

Social Conflict in the Age of Justinian

Its Nature, Management, and Mediation

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Preface

The form of this treatise would have been both more strictly scientific and also less pedantic . . . had it not originally been intended as a doctorate thesis.

Karl Marx, Preface to Doctorate Thesis (1841)

Strangely perhaps, it was a Methodist minister (who happened to be my grandfather) who introduced me to the Greek myths when I was a toddler. From this sprang a lifelong fascination with the ancient world, only briefly frustrated some years later when I couldn't raise the 7s. 6d. needed to buy *Teach Yourself Greek*. Classical *paideia* did not rate universally up north in the 1950s, but a first-class state grammar school in Sheffield, King Edward VII, sorted that. Later, as an Oxford undergraduate reading 'Greats', my interest came to focus on the Roman Empire, not least owing to the teaching of my fellow Yorkshireman Tim Barnes, exposure to Pliny's Letters, especially Book X, where I listened to the beating heart of imperial government, and Fergus Millar's *The Roman Empire and Its Neighbours*. More recently, this has matured into an engagement with late antiquity and doctorate on social conflict and its management in the sixth century across the whole Eastern Roman Empire.

And now, this book. Its subject matter also reflects nearly thirty years of professional involvement with social conflicts, chiefly in Northern Ireland where I served for many years, latterly as a senior civil servant in the Northern Ireland Office. But I also have experience of other areas where violent social conflict continues: most notably, the Middle East, during earlier Diplomatic Service days in the FCO and in Lebanon; later, advising the Colombian government on the management of peace negotiations. In Northern Ireland, my focus was on helping to end political violence and construct legitimate and workable public institutions, before I returned, after taking part in the negotiation of the 1998 Belfast (or 'Good Friday') Agreement, to classical antiquity and Oxford. **How Justinian I managed to survive and consolidate his rule when faced with so many intractable, sometimes similar problems in his own vast pre-industrial empire is at the heart of this book.** A reader will, I hope, ask him- or herself what we can learn for today from how he dealt with them. **My own list would begin with establishing the legitimacy of your regime, combined with strong, effective, and 'joined-up' government—seeing political, economic, and security issues as inseparably linked.** And yours would be . . . ?

Methodologically, I have moved far from the 'positivist' approach to Ancient History, by no means extinct, which I absorbed in 1960s Oxford. This reflects exposure to the social sciences, sociology, and economics in particular, through training at the Civil Service College and at Birkbeck College, London, as well as a year as Civil Service Fellow in the Politics Department of Glasgow University. My enthusiasm for 'models' derives from the excitement I first experienced when grasping how one could make sense of—understand, simplify, and generalize about, not merely describe—masses of data through techniques of, originally, economic modelling. Along with social psychology, the most recent addition to my intellectual toolkit—I am grateful to Miles Hewstone for his encouragement in this, for me, new field—these disciplines have influenced my thinking throughout this book. Hence, together with illustrations from my own experience, those aspects of my approach which, I cheerfully concede, are not those of a more conventional Oxford monograph in Roman (or Byzantine) History. Indeed, I have already been accused of coming from 'the left field'—even more scandalously, of being an 'intellectual'! But if I am not, therefore, 'an ideal advocate for conventional ancient history',¹ this book is no less serious in intent.

In producing here a more readable and up-to-date text than the doctorate dissertation on which it ultimately rests, and mindful of Karl Marx's confession in my epigraph, I have also drawn on my own more recent work on the sixth century,² as well as on further helpful advice from friends, colleagues, an OUP reader, and the new work streaming online. This has, I hope, made the book you are reading more persuasive (and even enjoyable). I have, therefore, deliberately not overburdened my argument with all the detail appropriate to a narrowly focused monograph. I have tried hard once again to make what I have written accessible to any student, as well as scholar. No foreign languages, therefore; no assumption that everyone will know where Osrhoene was. There remains, I know well, far more to be said—and far, far more for me to learn on almost all the topics I address.

These improvements may not wholly satisfy more radical (or, rather, conservative) critics: whether of the prominence I give to reviewing the ideological assumptions underlying my sources, ancient and modern, or considering them as literary texts as well as sources of facts; of the emphasis I explicitly place on social theory; or of my belief that historical (and contemporary) illumination can be derived from comparing the actions and experience of human actors, including my own, in widely different periods and places. (I hope readers will similarly exploit their own experiences in evaluating what I have written.) But there are limits beyond which I cannot, in good

¹ Keith Hopkins (1978).

² Esp. Bell (2009).

faith, go in concealing what I believe history (ought) to be. I simply hope that what I have written stimulates an open-minded reader. I have been so far greatly encouraged to discover that my approach has found favour with experienced scholars—even more encouraging, with their students.

As to the writing of the book, I am grateful for the support of my DPhil supervisor, Mark Whittow, in encouraging me to follow my own path, for his excellent ideas, an unusually wide-ranging erudition not confined to the medieval world, and in sharpening the focus of my original thesis. Also for the enduring moral and intellectual support of Averil Cameron, as well as all those who read and commented on both my dissertation, and now the book, starting with my examiners, Peter Sarris and Bryan Ward-Perkins, who have continued to advise and support me, and now including Phyllis Bentley, Phil Booth, and David Gwynn. Thanks also go to Michael Maas, for kindly giving me an advance copy of his excellent *Cambridge Companion to the Age of Justinian*, to several of whose contributors, including himself, my footnotes will show I am greatly indebted, and also for his later encouragement; to Werner Henze for equipping me with his original Princeton doctorate thesis on the early Syrian Church, now also a book; and to James George, a former doctoral candidate in Oxford and now a policeman in Northern Ireland, for his illuminating thoughts on Severus of Antioch and the Miaphysites. I also thank Peter Heather and Roger Tomlin who, as my supervisors during my Oxford MSt, initiated me into the later Roman Empire—in Peter's case, also into the wonderland of ecclesiastical controversy. My great debts to numerous other scholars emerge from my text. And my debt to those who have provided me with illustrations is spelt out later. And I still have not mentioned what I owe to my OUP editor, Taryn Campbell, her colleagues in Oxford University Press, and copy editors.

My wider commitment to the ancient world has also been sustained by the privilege (and fun) of teaching several extremely bright and enthusiastic undergraduates—including, most memorably, George Longley and Daisy Easton from St Hilda's and Balliol. Finally, I must express my enormous gratitude to Wolfson College for taking me in after I had completed my doctorate, and letting me continue to work in Oxford, the world's greatest centre for late antique and Byzantine studies. Others to whom I am greatly indebted will also emerge from my footnotes, and grateful acknowledgements below to those who have allowed me to use their pictures and maps, or even supplied me with high-quality copies, often free of charge.

Above all, however, I acknowledge the debt to my 'home team': first, to Jake, my friend and partner from Ulster, for his unfailing moral support, his insistence on my taking regular and vigorous exercise, and to my good fortune in living with one of the few dogs in Oxford with a serious interest in late

antiquity. Second, to Jenny, without whose efforts in editing and proofreading there would have been neither thesis nor book. Jake, however, is no longer with us; it is to his memory, therefore, that I dedicate this study.

Peter N. Bell
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Oxford
February 2012

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Every attempt has been made to secure permission, where appropriate, to use the above images. In all cases, however, full credit is given to the sources used.

Abbreviations

<i>a.</i>	anno (in the year)
ACO	<i>Acta Conciliorum Oecumenicorum</i> , ed. E. Schwartz (Berlin and Leipzig, 1914–40)
<i>ad loc.</i>	<i>ad locum</i> (at that place in the text)
Agapetus	<i>Ekthesis</i> (<i>Advice to the Emperor</i>)
AHB	<i>Ancient History Bulletin</i>
AIA	Anglo-Irish Agreement (1985)
AJA	<i>American Journal of Archaeology</i>
AJP	<i>American Journal of Philology</i>
AM	<i>Anno Mundi</i> (in the year of the world)
Amm. Marc.	Ammianus Marcellinus
<i>Anth. Pal.</i>	<i>Anthologia Palatina</i> (<i>Palatine Anthology</i>)
Arist.	Aristotle
AT	<i>Antiquité tardive</i>
BCE	Before the Common Era (BC)
BCH	<i>Bulletin de correspondance hellénique</i>
BF	<i>Byzantinische Forschung</i>
<i>Bldgs.</i>	Procopius, <i>Buildings</i> (<i>de Aedificiis</i>)
BMGS	<i>Byzantine and Modern Greek Studies</i>
<i>Byz.</i>	<i>Byzantion</i>
BZ	<i>Byzantinische Zeitschrift</i>
C.	<i>Constitutio</i> (imperial law)
CAH	<i>Cambridge Ancient History</i>
<i>Cah. arch.</i>	<i>Cahiers archéologiques</i>
CE	Common Era (AD)
CFHB	<i>Corpus Fontium Historiae Byzantinae</i>
<i>Chron.</i>	<i>Chronicle</i>
CIC	<i>Corpus Iuris Civilis</i> (<i>Corpus of Civil Law</i>)
<i>C. Imp. Mai.</i>	<i>Constitutio Imperatoriam Maiestatem</i>
CJ	<i>Codex Justinianus</i> (<i>Justinianic Code</i>)
<i>Coll. Avell.</i>	<i>Collectio Avellana</i>
Corippus	<i>In laudem Iustini Minoris</i> (<i>In Praise of Justin II</i>)
cos.	<i>Consular year</i>

CP	<i>Classical Philology</i>
Cpl.	Constantinople
CQ	<i>Classical Quarterly</i>
CSCO	Corpus Scriptorum Christianorum Orientalium
CSEL	Corpus Scriptorum Ecclesiasticorum Latinorum
CSHB	Corpus Scriptorum Historiae Byzantinae
CTh.	<i>Codex Theodosianus</i> (<i>Theodosian Code</i>)
<i>de Caer.</i>	Constantine VII Porphyrogenitus, <i>De Caerimoniis</i> (<i>on Ceremonies</i>)
<i>de Mag.</i>	John the Lydian, <i>de Magistratibus</i> (<i>On Powers, or, The Magistracies of the Roman State</i>)
DJ	<i>Doctrina Iacobi nuper baptisati</i> (<i>The teaching of Jacob, the newly baptised</i>)
<i>Dialogue</i>	<i>Dialogue on Political Science</i> (<i>Menae patricii cum Thoma referendario de politica scientia Dialogue</i>)
Dig.	<i>Digest</i>
DOP	<i>Dumbarton Oaks Papers</i>
EcHR	<i>Economic History Review</i>
EH	<i>Ecclesiastical History/Historia Ecclesiastica</i>
EHB	<i>Economic History of Byzantium</i>
EHR	<i>English Historical Review</i>
EN	<i>Ethica Nicomachea</i> (<i>Nicomachean Ethics</i>)
Ep(p).	<i>Epistula(e)</i> (<i>Letter(s)</i>)
FHG	<i>Fragmenta Historicorum Graecorum</i>
fr.	fragment(s)
GA	<i>Greek Anthology / Anthologia Graeca</i>
GRBS	<i>Greek Roman and Byzantine Studies</i>
GRW	<i>Cambridge History of Greek and Roman Warfare</i>
Hom.	<i>Homily</i>
HS	(church of) Hagia Sophia
HThR	<i>Harvard Theological Review</i>
IGC-As Min.	<i>Recueil des Inscriptions grecques-chrétiennes d'Asie Mineure</i>
IG	<i>Inscriptiones Graecae</i>
IGR	<i>Ius Graeco-Romanum</i>
<i>I. Sardis</i>	<i>Inschriften Griechischer Städte aus Kleinasien: Die Inschriften von Sardis</i>
J.	Justinian I
JAC	<i>Journal of Agrarian Change</i>

<i>JEd.</i>	<i>Justiniani Edicta (Edicts of Justinian)</i>
<i>JHS</i>	<i>Journal of Hellenic Studies</i>
<i>JIN</i>	<i>Justini Minoris Novellae Constitutiones (Novels of Justin II)</i>
<i>JInst.</i>	<i>Justiniani Instituta (Institutes)</i>
<i>JL</i>	John the Lydian/ <i>Joannes Lydus</i>
<i>JN</i>	<i>Justiniani Novellae Constitutiones (Novels of Justinian)</i>
<i>JÖB</i>	<i>Jahrbuch der Österreichischen Byzantinistik</i>
<i>JRA</i>	<i>Journal of Roman Archaeology</i>
<i>JRS</i>	<i>Journal of Roman Studies</i>
<i>JTS</i>	<i>Journal of Theological Studies</i>
<i>Lib.</i>	Libanius
<i>LOES</i>	John of Ephesus, <i>Lives of the Eastern Saints</i>
<i>LSJ</i>	Liddell and Scott, <i>Greek-English Lexicon</i> (9th edn.)
<i>Mal.</i>	John Malalas, <i>Chronicle</i>
<i>MAMA</i>	<i>Monumenta Asiae Minoris Antiquae</i>
<i>Mansi</i>	<i>Sacrorum Consiliorum Nova et Amplissima Collectio</i> (New and most Complete Collection of [sc. the Proceedings of] the Holy Councils), ed. J. D. Mansi
<i>Met.</i>	Aristotle, <i>Metaphysics</i>
<i>MGH</i>	<i>Monumenta Germaniae Historica</i>
<i>Nic. Eth.</i>	Aristotle, <i>Nicomachean Ethics</i>
<i>NH</i>	Zosimus, <i>New History</i>
<i>NI</i>	Northern Ireland
<i>NMS</i>	<i>Nottingham Medieval Studies</i>
<i>NT</i>	New Testament
<i>NTibII</i>	<i>Novellae Constitutiones Tiberii II (Novels of Tiberius II)</i>
<i>NVal.</i>	<i>Novellae Constitutiones Valentiniani (Novels of Valentinian)</i>
<i>OCA</i>	<i>Orientalia Christiana analecta</i>
<i>OCD</i>	<i>Oxford Classical Dictionary</i> (3rd edn.)
<i>OCP</i>	<i>Orientalia Christiana periodica</i>
<i>OCT</i>	<i>Oxford Classical Texts</i>
<i>ODB</i>	<i>Oxford Dictionary of Byzantium</i> (1991)
<i>ODS</i>	<i>Oxford Dictionary of Sociology</i> (3rd edn. rev., 2009)
<i>Or.</i>	<i>Oratio</i> (speech)
<i>P. Cairo</i>	<i>Catalogue générale des antiquités égyptiennes du Musée du Caire</i>
<i>P. Ital.</i>	<i>Die nichtliterarischen lateinischen Papyri Italiens aus der Zeit 445–700</i>

<i>P. Lond.</i>	<i>Greek Papyri in the British Museum, London</i>
<i>P. Oxy.</i>	<i>The Oxyrhynchus Papyri</i>
<i>P. Ross. Georg.</i>	<i>Papyri russischer und georgischer Sammlungen</i>
Paul	Paul the Silentiary
PG	<i>Patrologiae cursus completa, series graeca (Patrologia Graeca)</i>
PGL	<i>A Patristic Greek Lexicon</i>
PL	<i>Patrologia cursus completa, series Latina (Patrologia Latina)</i>
PLRE ii	<i>The Prosopography of the Later Roman Empire</i> , vol. ii. A. D. 395–527
PLRE iii	<i>The Prosopography of the Later Roman Empire</i> , vol. iii. A. D. 527–641
PO	<i>Patrologia Orientalis</i>
<i>P&P</i>	<i>Past and Present</i>
<i>Praef.</i>	<i>Praefatio</i> (preface)
Proc.	Procopius
Ps.-	Pseudo-
PS	Syrianus Magister, <i>Peri Strategikes (On Strategy)</i>
r.	reigned
<i>Rep.</i>	<i>Republic</i>
RG	<i>Res Gestae</i>
Romanos,	<i>Sancti Romani Melodi Cantica: Cantica Genuina</i> , ed. P. Maas and C. A. Trypanis (Oxford, 1963) (unless otherwise stated)
<i>s.a.</i>	<i>sub anno</i> (under the year)
<i>s.v.</i>	<i>sub vide</i> (see under)
<i>sc.</i>	<i>scilicet</i> (understand)
SH	Procopius, <i>Secret History (Anecdota)</i>
SL	<i>The Sixth Book of the Select Letters of Severus, Patriarch of Antioch, in the Syriac Version of Athanasius of Nisibis</i>
<i>str.</i>	<i>strophe</i>
TLG	<i>Thesaurus Linguae Graecae</i>
TM	<i>Travaux et mémoires</i>
TR	<i>Theological Review</i>
TTH	Translated Texts for Historians, Liverpool University Press
VV	<i>Vijantijskii Vremmenik</i>
Wars	Procopius, Wars

Part I

An Introduction: Approaches, Methods, Sources

Understanding Social Conflict

It will be enough for me if my words are judged useful by those who want to understand clearly events which happened in the past and which—human nature being what it is—will at some time or another and in much the same ways be repeated in the future. My work was done . . . to last for ever.

Thucydides, *History of the Peloponnesian War*¹

What have historians been doing in fact from Thucydides to Max Weber or Marc Bloch? . . . The answer has not changed for two thousand years since the successors of Aristotle discovered it: historians recount true events which have human beings for actors: *history is a true novel*.

Paul Veyne, *How to Write History* (1971)

WHAT IS THIS BOOK ABOUT?

The ‘Age of Justinian’ is justly celebrated for such glories as the church of Hagia Sophia (or Holy Wisdom), the Ravenna mosaics, and the codification and renovation of Roman law. Justinian’s reign, from 527 to 565,² represents the apogee of the ‘long sixth century’ of the later Roman (or early Byzantine) Empire.³ Because it set the religious, and thus much of the political, agenda of at least the next hundred and fifty years, **I shall take this as beginning with the ecumenical Council of Chalcedon in 451 and ending with Phocas’ overthrow of the emperor Maurice in 602.** But this empire was not the stable society, ‘moved by all the strings of an harmonious symphony’, to which the unknown

¹ All translations, except where indicated, are mine.

² All dates are CE, unless otherwise indicated.

³ The term ‘Roman Empire’ is justified by the political continuity of the Roman Empire, despite major changes from the 8th cent. onwards. The inhabitants called themselves ‘Romans’ and their empire ‘Roman’, until its end in 1453. So did many of their neighbours, including the Arabs (*Quran*, *Sura* 33) and the Ottomans. Whittow (2009).

author of the sixth-century *Dialogue on Political Science* aspired.⁴ Indeed, another fascination of our empire lies precisely in the range, complexity, and scale of its internal conflicts, both material and ideological: they illuminate the social dynamics and the competing ideologies that were central to the politics of what was, after China, the world's greatest polity—one which comprehended, in whole or in part, the territories of twenty-seven modern states. Of this, Constantinople, the seat of God's vicegerent, the emperor, was the ever more dominant and imposing capital city, whether in political, religious, economic, or cultural terms, and whose population in our period possibly approached half a million inhabitants. Maps 1.1 and 1.2 show the stages on which the events of this book took place.

But these conflicts also underlay those same achievements in law, art, or architecture.⁵ A vicious circle was in operation: the fiscal exactions required to pay for them made social strains worse; so did the costs of Justinian's protracted reconquest of much of the old Western Roman Empire, which had expired in the previous century. Such strains were exacerbated by the costs imposed by external invasion.

The conflicts were various: those, for example, between landowning elites and peasants across the economically all-important agricultural sector, where the great majority of the population worked, as well as conflicts within those same elite strata.⁶ The former in particular could reduce swathes of the empire to what has been described as 'l'anarchie justinienne'.⁷ There were also the conflicts of the chariot-racing and theatre factions in the major cities: the so-called Nika Riots in 532 in Constantinople nearly destroyed Justinian and his capital. We also find political strains between the regime and the senatorial elite both within the capital and reflected in provinces often also racked by more local disputes; there were conflicts too within the imperial apparatus, which are best documented in Egypt.⁸ Then we must include the protracted, often bitter religious disputes, not least with Rome,⁹ in the avowed interests of Christian unity; their ultimate result, in the seventh century and despite the intense efforts of emperors from Marcian to Heraclius, was to kill any hope of reconciling the separated churches of the empire.¹⁰ There were also continuing campaigns against Pagans, Jews, Manichaeans, homosexuals, and other deviants, including minor Christian sects. This list excludes the

⁴ *Dialogue* 5.136, ed. and tr. Bell (2009).

⁵ Haldon (2009b), 15, concurs.

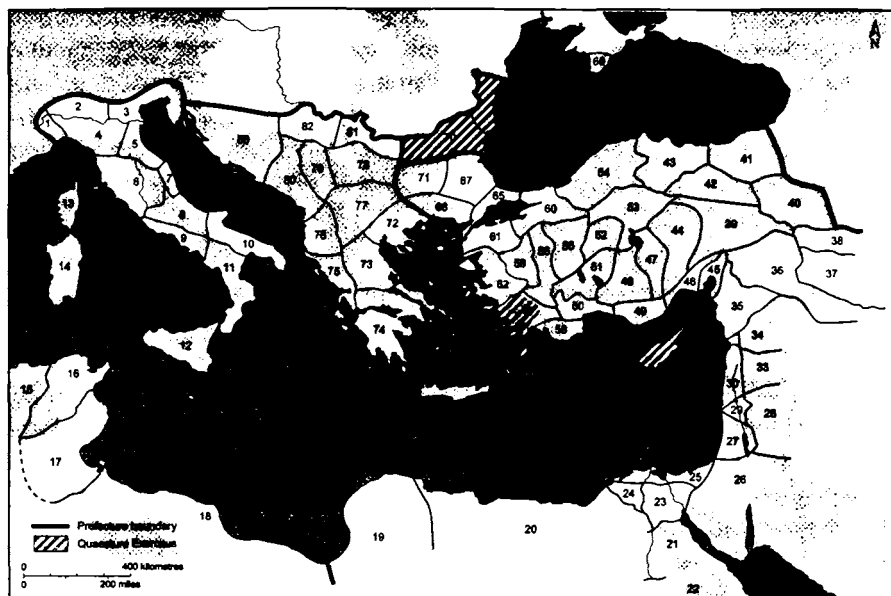
⁶ Population in agriculture: Ward-Perkins (2000a), ch. 12; for higher levels of urbanization in Egypt: Bagnall and Frier (1994), 53–7.

⁷ Kaplan (1992), 173.

⁸ e.g. in *JEd*.13. Sarris (2006) for conflicts in Egypt, and more generally.

⁹ These generated, for instance, the first formal schism between Rome and Cpl., the Acacian Schism (484–519).

¹⁰ See Ch. 5.

**Prefecture of Italy**

- 1 Alpes Cottiae
- 2 Aemilia
- 3 Venetia
- 4 Liguria
- 5 Flaminia
- 6 Tuscia et Umbria
- 7 Picenum
- 8 Samnium
- 9 Campania
- 10 Apulia et Calabria
- 11 Lucania et Bruttium
- 12 Sicilia

Prefecture of Africa

- 13 Corsica
- 14 Sardinia
- 15 Numidia
- 16 Zeugitania
- 17 Byzacena
- 18 Tripolitania

Prefecture of Oriens

- 19 Libya Pentapolis
- 20 Libya Inferior
- 21 Arcadia
- 22 Thebais Inferior
- 23 Augustamnica II
- 24 Aegyptus I and II
- 25 Augustamnica I

26 Palaestina III

- 27 Palaestina I
- 28 Arabia
- 29 Palaestina II
- 30 Phoenice
- 31 Theodorias
- 32 Cyprus (in *quaestura exercitus*)
- 33 Phoenice Libanensis
- 34 Syria II
- 35 Syria I
- 36 Euphratensis
- 37 Osrohoene
- 38 Mesopotamia
- 39 Armenia III
- 40 Armenia IV
- 41 Armenia I
- 42 Armenia II

43 Helenopontus

- 44 Cappadocia I
- 45 Cilicia II
- 46 Cilicia I
- 47 Cappadocia II
- 48 Lycaonia
- 49 Isauria
- 50 Pamphylia
- 51 Pisidia
- 52 Galatia Salutaris
- 53 Galatia I
- 54 Paphlagonia
- 55 Phrygia Salutaris

56 Phrygia Pacatiana

- 57 Caria (in *quaestura exercitus*)
- 58 Lycia
- 59 Lydia
- 60 Bithynia
- 61 Hellespontus
- 62 Asia
- 63 Insulae (in *quaestura exercitus*)
- 64 Creta
- 65 Europa
- 66 Bosphorus
- 67 Haemimontus
- 68 Rhodope
- 69 Scythia (in *quaestura exercitus*)
- 70 Moesia II (in *quaestura exercitus*)
- 71 Thracia

Prefecture of Illyricum

- 72 Macedonia I
- 73 Thessalia
- 74 Achaia
- 75 Epirus vetus
- 76 Epirus nova
- 77 Macedonia II
- 78 Dacia Mediterranea
- 79 Dardania
- 80 Praevalitana
- 81 Dacia ripensis
- 82 Moesia I
- 83 Dalmatia

Map 1.1 The administrative organization of the Roman Empire c.565, adapted from Haldon (2005b).

struggles with Jews and Samaritans; the activities of the Scamares, alienated Balkan peasants prone to political violence analogous to the also obscure Bagaudae in the West; or the sometimes fraught, even potentially murderous, relations of the regime with the financial community.¹¹ But we cannot completely pass over the evidential significance for our chosen disputes of 'micro-conflicts'. The story, for instance, of a husband, while still an unrepentant Miaphysite 'heretic', allegedly half-strangling his wife to prevent her swallowing a host consecrated by a Chalcedonian (that is, an 'orthodox', 'catholic' priest), shows how abstruse doctrinal disputes could be represented, tendentiously or not, as affecting domestic life far from the palaces of emperors and bishops.¹²

My aim, however, is not just to analyse certain major conflicts and their interrelationships, or even to show how Justinian (and other emperors) managed or mediated them—and at what cost. This book also tries to show, by example, that these questions cannot be satisfactorily answered without drawing more explicitly on social theory—in its original Greek sense of a deeper knowledge in terms of the first principles of a subject or activity—than is sometimes found in ancient historiography today. In trying to achieve this, I have not, however—intentionally at least—sacrificed the virtues of more traditional approaches, most notably in the close attention paid to sources, both material and documentary. No 'trans-historical strait jacket' is imposed;¹³ there is no assumption that our analytical concepts are unproblematic; nor have I turned away from the 'real world' to hermetic disputes of minority interest.¹⁴

On the contrary, I want to generate historical explanations that explicitly recognize, as did Justinian in his legislation,¹⁵ the effects of changing circumstances, internal and external, lest our analysis become isolated from the 'movement of history' and 'its percussive dialectic'. Fernand Braudel, no enemy of applying other disciplines to history, regarded this as a potential weakness of a sociological approach to the past.¹⁶ In fact, the approach here is meant to help in modelling the social and political dynamics of the empire to provide more illuminating and accessible explanations of late antique history.

¹¹ Scamares: Haldon (1997), 31; Dmitrev (1952), 3–14. Financiers: e.g. 'The Bankers' Plot' of 562—Mal. 493. For Justin II's political need to build good relations with the 'financial sector' immediately on his accession in 565: Corippus, *In Praise of Justin II* 2.357, with Averil Cameron's nn. *ad loc.*; also Bell (2009), 190–1.

¹² Moschus, *The Spiritual Meadow*, 30. 'Heretic' is a weasel word, hence the inverted commas here and often elsewhere. All groups were convinced of their own orthodoxy and catholicity.

¹³ Which the US sociologist Wright-Mills (1959) believed both Marx and Weber had done through their (to him) over-theorized approach to history.

¹⁴ As Macmillan (2009), 35, fears could result from a growing preoccupation with 'method'.

¹⁵ e.g. C. *Tanta* 18 (533); see also Ch. 6.

¹⁶ Braudel (1969), 120.

This requires explaining my methodology in some detail, but not, I hope, to excess. Rather, I shall introduce some approaches that I personally have found helpful in clearing a path to a more inclusive history of the sixth century, in the hope that others may learn from my successes and failures. I shall start by addressing problems to which our traditional evidence gives rise. Not in the way a routine overview of the sources sometimes features in graduate dissertations, but in order to see how we can use evidence more effectively in understanding sixth-century society through applying social theory and more literary readings. I will also be arguing, more controversially, for making trans-temporal and trans-cultural comparisons between other societies, including those of the sixth century, and our own. Here I draw on my first-hand experience in dealing, as a civil servant, with often violent social conflict, primarily in Northern Ireland. The resulting history is intended not only to help in generating new insights into our period; it also suggests approaches to issues emerging in other times and places which others may want to ponder, even to develop, themselves.

SOME PROBLEMS 1: SOURCES

Our sources for the reign of Justinian, whether literary or material, present notorious difficulties—as they do for many other intensely ideologically committed, authoritarian regimes. Yet students of many earlier periods of history (or of the early medieval or Islamic worlds) would be transported if presented with the volume, variety, and often quality, of our materials. How come? What we have includes contemporary narrative histories, both classicizing and ecclesiastical, chronicles, theology (including the proceedings of church councils, and the homilies and letters of bishops and holy men), saints' lives, belles-lettres (sacred and profane), occasional writings in various genres from political theory to strategy—above all Justinian's *Corpus of Civil Law*, supplemented by his *Novels* and *Edicts*. Other important but neglected sources are becoming more accessible almost by the month. And we have not even mentioned such 'political statements' in stone as, say, Hagia Sophia or the Ravenna mosaics and those of the Great Palace in Constantinople, or what we know of religious ceremonial or that of the hippodrome. All these we can augment by ever more available—and important—numismatic, epigraphic, and, especially, archaeological and papyrological material, plus texts in Syriac and Coptic, of which ever more are becoming accessible in English.

However, much of this material, not least the formal histories, chronicles, and legislation, cannot be taken at face value: 'there is no such thing,' observed Hayden White, 'as politically innocent historiography'. We must, therefore, read our texts all the more carefully. But even when it is innocent, as often

with archaeological evidence, the interpretation can be no less tricky and remains subject to continuous revision. Problems arising from particular sources for particular issues, we shall address as they appear. But a general caution is in order. When writing about Tribonian, Justinian's quaestor and effectively minister of justice, the legal historian Honoré drew a suggestive and detailed comparison between the emperor and Stalin.¹⁷ Let us suppose, therefore, that our sources for the history of the Soviet Union during the latter's ascendancy were, though voluminous, overwhelmingly confined to materials published with the blessing of the Communist Party, supplemented by some damaged files from collective farms on the banks of the Oxus, the remains of what may have been export-oriented wineries in Georgia, the *samizdat* memoirs of an embittered former aide to Marshal Zhukov, the Lenin Mausoleum, plus fragmentary texts from purged Trotskyites preserved only in Central Asian languages.

This is not too far from what we find in Justinian's empire. The surviving writing is so often self-consciously ideological and self-serving, even when not outright panegyric or obloquy, and almost always influenced by the dictates of genre. It has to be 'read against the grain' if we are to extract all it can offer us, and what is *not* said can be as important as what is.¹⁸ We can detect 'spin' in Justinian's interest, for instance, even in the superficially unsophisticated chronicles of Marcellinus Comes or Malalas.¹⁹ We would also have little idea from many texts, except after close reading, of the strength of Paganism and its continuing political salience.²⁰ We are only slightly better placed for direct evidence of lower-class resentments. The literature is also largely 'politically correct', as necessarily are the legal materials and, above all, the rhetoric in which they are promoted.²¹ The same is true of churches and artworks glorifying the regime, not to mention panegyrics of buildings, Hagia Sophia above all, by Procopius and Paul the Silentiary. If you did not know the source, could you tell whether the following was written in Constantinople in the 550s, Moscow in the 1930s—or Pyongyang today?

¹⁷ Honoré (1978), 28–30. Averil Cameron kindly alerted me to this comparison.

¹⁸ e.g. the panegyrics represented by *Bldgs.*; Paul, *Description of Hagia Sophia*; Corippus, *In Praise of Justin II*. For the significance of what e.g. Paul omits to say about Justinian in his *Description of Hagia Sophia*, Bell (2009), 79–97. For my usage of 'ideology', see Ch. 5.

¹⁹ For Marcellinus: Croke (2001), esp. 135; for Malalas: Scott (1985). But one should not overstate the case. While Malalas apparently makes use of 'official' material circulating in Antioch, his account of the Nika Riots is not from the official angle.

²⁰ For the strength of Paganism in the 6th cent., see Ch. 5.

²¹ For the *Novels*, that is. The prefaces to most of the legislation in the *Corpus* (though not to the *Constitutions* introducing the *Code*) are now lost. For the problems of interpreting the *Code* and its language on the colonate in particular, see Ch. 3.

You couldn't record things properly while those who had done it all were still alive. You couldn't escape the masses of informers. Nor a dreadful end if you were found out. I couldn't even trust my closest family.²²

True, this picture of state terror was in Procopius' interest: it strengthens his moral credentials; it further blackens Justinian. Similarly, it served him in the same work to write off Justin I as an illiterate old man in order to 'credit' Justinian with the alleged misrule of his uncle's reign—although Justin was a more activist emperor, and Justinian's rise was both slower, and his position under Justin more fragile, than it served Procopius to acknowledge.²³

Yet **we need not deny Procopius' self-interest to accept that there was often terror both in Constantinople and in the provinces**: Malalas, for instance, describes the 'intense fear' which accompanied imperial persecutions in 529 and later—testimony all the more persuasive since he is a writer, at least sometimes, susceptible to the Justinianic 'message'.²⁴ In fact, some fifty ethnic and religious groups were targeted in legislation, which also encouraged informers.²⁵ But even John of Ephesus, who, as a sometime Miaphysite, must be read with caution, nevertheless gives an all-too-plausible account of the official purge of prominent, allegedly Pagan, members of the senatorial aristocracy and of leading intellectuals (*logikoi*), in 545/6. For this 'our humble self', as the powerful bishop modestly describes himself, takes personal credit. After torture, the victims apparently denounced each other.²⁶ We must read the sources—both for what they do, or dare not, say—and make our judgments accordingly...

... But without overstating our case. Even in the *Wars*, Procopius criticizes Justinian and the theological disputation that was a central feature of political as well as of religious life,²⁷ although his more outspoken condemnation is reserved for the *Secret History*. But the evidence is sometimes implicit in the former: Books 7–8 of the *Wars* are 'peppered with accusations against Justinian'.²⁸ And, of course, all periods have source problems of various kinds and degrees: a historian of the principate, for instance, would hardly regard Tacitus as an 'innocent' reporter notwithstanding protestations of impartiality

²² *SH* 1.1. For the explicit encouragement of informers in legislation: *CJ* 1.5.18; *JN* 132. For Roman law, which could leave it to (possibly malicious) individuals to initiate prosecutions, and for the role of informers more generally, Harries (1999), chs. 4 and 5.

²³ Croke (2007); see also Ch. 6.2.

²⁴ *Mal.* 448–9; Scott (1985). See Ch. 6.1 for 'fear' as an element in policymaking. But see n. 19 above.

²⁵ e.g. *CJ* 1.5; *JN* 132.

²⁶ John of Ephesus in Ps.-Dionysius of Tel Mahre, *Chron.*, p. 76 (tr. Witakowski). More is said in Chs. 5 and 6 on the Stalinesque ideological persecutions of the regime.

²⁷ *Wars*, 5.35–9. Averil Cameron (1985), 145. For the search for Church unity and the bishops: see Chs. 4 and 6; Rapp (2005a).

²⁸ e.g. in respect of the reconquest of Africa; compare *Wars*, 1–2 with *SH* 18.5. Averil Cameron (1985).

(which he shares with Procopius).²⁹ So the sixth-century sources are not unique in presenting problems, any more than is much of the source material emanating from other despotisms, ancient or modern.

But our problems remain acute; we so often lack material from another viewpoint, above all from the poor and lower classes. When we do, it needs no less scrutiny: for example, the history of the politically active Miaphysite bishop, John of Ephesus, is fragmentary as well as *parti pris*; we can often scarcely distinguish personal grievances, including loss of fees, from bitter political criticism of the regime, though not of the emperor directly, in John the Lydian; the anonymous and fragmentary *Dialogue on Political Science* also criticizes the emperor, although more temperately, from the perspective of an upper-class Platonist.³⁰ The Procopius of the *Secret History* remains the best-known 'alternative voice', although he presents especially difficult interpretative problems still to be satisfactorily resolved.³¹ But he does say much about both wider social and economic conditions—for him, roughly universal misery³²—as well as offering a (tendentious) critique of Justinian's legislation.³³ This includes technical material on the exploitation of both compulsory purchase of crops by tax collectors (*sunone/coemptio*) and transmutation of taxation in kind into cash (*adaeratio*); how the exchange rate between the two metallic currencies in use, the copper *folles* and the gold *nomisma/solidus*, could be rigged; how monopolies worked against the poorest (*ptokhoi*);³⁴ or what might be the local economic effects of the curtailment of the 'state transport agency' (*cursus publicus*).³⁵ He also reports various catastrophes of social and psychological significance (plague, earthquakes, floods, etc.) in both the *Wars* and *Secret History*. But in his *Buildings*, his panegyric account of Justinian's construction programme, he is silent, probably deliberately, about the ominous collapse of the dome of Hagia Sophia in 558, following earthquakes the previous year—though one should not exclude the possibility

²⁹ Tacitus, *Annals* 1.1 claims to write 'without hatred or partisanship' (*sine ira et studio*), but see Syme (1958). For the (persistent) topos of the truthful historian in Procopius, see *Wars*, 1.1.

³⁰ For John the Lydian, in e.g. lamenting the downgrading of the praetorian prefecture, the standing of 'intellectuals' (*logikoi*), above all the loss of fee income: *de Mag.* 3.28, 3.54. See also Chs. 5 and 6. For the *Dialogue on Political Science*: Bell (2009).

³¹ See e.g. Greatrex's (2003) review of current scholarship, which demonstrates how little is certain about him; Kaldellis (2004)—and in his edition of Proc. *SH* (2010), more concisely—increases that uncertainty.

³² *SH*, *passim* but, succinctly, 26.16 for financial, and 18.30 military, calamity.

³³ *SH* 21 ff.; see Kaldellis (2004), ch. 4, with app. 11.

³⁴ Contrasting *ptokhoi* (destitute) with the contingently poor (*penetes*), into which category virtually everyone risked falling at some point under the impact of war, famine, disease, the environment—and excessive taxation: P. R. L. Brown (2002), ch. 1.

³⁵ *SH*, 22–3, 25, 36, 30.

he is deliberately subverting his text *and* the reputation of Justinian as a great architect by not mentioning what everyone would expect him to mention.³⁶

Yet Procopius does not offer these criticisms as a systematic critique of the economy of the empire. What he writes, for example, about compulsory purchase or exchange rates is not organized to demonstrate, even polemically, how the monetary system was manipulated in favour of the emperor and his officials, or of the upper classes.³⁷ They serve as items on a rhetorical 'charge sheet' vilifying someone who was for him, literally, a demonic ruler. Hence, putting to one side for the moment the material remains, we must, when elucidating social and economic conditions, draw on mostly casual references in, say, the chroniclers and in saints' lives, whose focus is elsewhere, with their own problems of interpretation. Thus, from the *literary* sources on their own, we might not realize the importance of trade nor of the gold *solidus* (the Greek *nomisma*) in facilitating it if Cosmas Indicopleustes had not told us that God had designed the seas and coastlines to facilitate the former, and why the wide circulation of the latter outside the borders of the empire was a sign that it was destined to survive to the end of time.³⁸

The difficulty in inferring social and economic conclusions, including formulating the plausible assumptions needed for successful quantitative modelling, is compounded by our lacking the statistical evidence central to the work of many modern social scientists and historians. The problems in interpreting what figures survive have been well advertised, although the 'health warnings' have not been universally observed.³⁹ Quantitival treatments of ancient history, in fact, stand out by their rarity.⁴⁰ Examples from late antiquity more generally illustrate the problem: we cannot even establish the size of Antioch's council in the fourth century from the conflicting data on the decreasing number of councillors (*curiales*) in Libanius' orations;⁴¹ Chrysostom's estimates of the number of Christians in the same city or its wealth distribution are both tendentious and hard to interpret.⁴² Questionable too is Malalas' figure for the death toll at Antioch in the great earthquake of 526.⁴³ Procopius' figure for

³⁶ Details of *Katastrophen* (catastrophes) in Meier (2003), esp. Anhang. Bell (2009), 92–5, for Proc.'s silence about the dome, which I place later than the conventional 554/8, and towards the end of the decade. 'Deliberate subversion of his text' is an idea mentioned in conversation to me by P. Sarris.

³⁷ Banaji (2007). See also Ch. 3.

³⁸ *Christian Topography* 3.25 (trade); 2.75, 77 (*nomisma*).

³⁹ Finley (1985), ch. 3, for examples of how ignoring them can lead to howlers.

⁴⁰ See esp. Hopkins (1983, 2002); *EHB*, pt. 2 (2002); Bowman and Wilson (2009); Duncan-Jones (1994). Decker (2011) tries hard, while admitting the difficulties.

⁴¹ *Ors.* 48.4; 49.8.

⁴² *Hom.* 66 and 85, in Matt. P. R. L. Brown (2002), ch. 1.

⁴³ 250,000 according to Mal. 420.

the Nika Riots (532) may also be exaggerated, though less than his successors'.⁴⁴ The same holds of alleged deaths from the plague later in the century.⁴⁵ The later the source, the larger usually the figure. Matters do not improve later, or for elsewhere in the empire.

SOME PROBLEMS 2: MODERN HISTORIOGRAPHY

We have, therefore, not yet surmounted all the wider problems that our sources pose. But a consensus is emerging on what needs improving and why. Thus in a survey of late antique studies, Averil Cameron noted that, despite the impact of Peter Brown in popularizing cultural history, this 'sea-change . . . has taken place largely without overt discussion of historical method', even on the part of younger American writers who are aware of the power of language and the importance of representation.⁴⁶ For the three eminent editors of the *Oxford Handbook of Byzantine Studies*, this weakness has resulted from a combination of the training of Byzantinists in the 'deeply conservative methods and priorities of classical philology', and their cultivation of a wide range of instrumental skills (epigraphy, sigillography, archaeology), which focus on the resolution of the technical difficulties presented by particular types of source material. But:

This necessary emphasis on skills . . . tends to discourage conscious theorising and reflection. Theoretical abstraction has been avoided without too many qualms as largely unnecessary, enabling specialists to pursue their aims using methods, which by virtue of their proven [*sic*] scientific value, are seen as more-or-less neutral.⁴⁷

There may, therefore, have been some movement in attitudes and assumptions since the 1980s about what is acceptable material for study and what are appropriate questions to ask. However, 'the changes in the nature of the subject and in those who pursue it have not been particularly marked'.⁴⁸ There is no disguising the mischiefs the *Handbook* writers identify. They recall earlier, fiercer criticisms by Moses Finley and Keith Hopkins. Both argued that much contemporary ancient historiography can be little more than a mass of

⁴⁴ Cf. Marcellinus Comes *a.* 532: 'very many were killed' (*innumeris . . . trucidatis*); Wars, 1.24 'more than 30,000'; Mal. 476, '35,000 more or less'; *Chron. Paschale*, 627, '35,000'; JL, *de Mag.* 3.70 '50,000'; '80,000' reports Ps.-Zacharias 9.14.

⁴⁵ Wars, 2.22; Evagrius, *EH* 4.29; John of Ephesus, *EH* (in the *Chron.* of Ps.-Dionysius of Tel Mahre, pt. 3, pp. 78–93); Agathias 5.10. See Ch. 2.

⁴⁶ Averil Cameron (2003), 14–15.

⁴⁷ *Oxford Handbook of Byzantine Studies* (2008), 1, 3–17. The editors are E. Jeffreys, J. Haldon, and R. Cormack.

⁴⁸ *Oxford Handbook of Byzantine Studies* (2008), 9.

'alleged facts' ('alleged' because, for them, many were guesses or outright fictions); it also fails to exploit the insights that other, chiefly social science, disciplines can bring to the study of ancient history.⁴⁹ This echoes Braudel's scorn for the 'historicizing history' of supposedly 'pure facts'.⁵⁰

The kind of 'sins' Finley and Hopkins targeted emerge most clearly from the latter's review of *The Emperor in the Roman World*, by Sir Fergus Millar.⁵¹ In language recalling conservative historians such as Elton or theorists like Collingwood,⁵² Millar had affirmed in his preface that, as a matter of 'fundamental methodological principle', he had 'rigidly avoided reading sociological works on kingship or related topics, or studies of monarchical institutions in societies other than Greece and Rome'. Nor had he 'contaminated [*sic*] the presentation of the evidence with conceptions drawn from wider sociological studies'. Millar recognized, however, that this necessarily 'involved considerable losses in percipience and unawareness of whole ranges of questions' which he could have asked.⁵³ Nothing accordingly is said about how, for instance, the imperial ideology (including ceremonial and the imperial cult) contributed to the cohesion of the empire by helping, for example, gradually to construct an empire-wide sense of Roman identity across the whole Mediterranean, in parallel with the spread of Roman citizenship.⁵⁴ This shared identity would enable Justinian's *Digest* to proclaim, convincingly, in the sixth century, that Rome was 'the common father-land of us all'. The significance of the emperor's military role is also passed by, although both were of great importance in helping establish that Roman imperial rule was legitimate.⁵⁵

By contrast, Dagron's *Emperor and Priest*⁵⁶ says much about the ideology of the imperial role, but does not explain how disputes over the quasi-sacerdotal role of the emperor related to wider late Roman society. To understand fully the imperial office and its place in the wider society requires addressing *both* sets of issues—the socio-economic *and* the ideological, including the cultural and religious. We cannot do this effectively without more general theories about ideology, legitimacy, their relationship, and their socio-economic context.

⁴⁹ Finley (1985), ch. 5; Hopkins (1978a and b). This is also true of literary theory, whose possible contribution they pass over. Also Haldon (1997), introd.

⁵⁰ Quoted in Skinner (1985), 179.

⁵¹ Hopkins (1978a); F. Millar (1977).

⁵² e.g. Elton (2002); Collingwood (1946).

⁵³ Millar (1977), p. xii.

⁵⁴ Universal from 212, following the *Constitutio Antoniana*.

⁵⁵ The jurist Modestinus (*Dig.* 50.1.33), cited in Ando (2000), 15. For 'legitimacy', see Ch. 6.

⁵⁶ Dagron (2003). See further Ch. 6.

SOME PROBLEMS 3: EXORCIZING PROCOPIUS

But a lack of theoretical reflection is not our only problem. Many recent historians of the 'Age of Justinian' have also been haunted by the ghost of Procopius. His 'works form the underpinning, whether acknowledged or not, of books ranging from sensational novels to serious histories of the period'.⁵⁷ Even shelving hard questions about the unity and dating of his works, the problem remains of 'reading between the lines' of a writer unable to express himself freely under a repressive regime, while making points—often critical—through veiled literary references that a less educated contemporary reader or a modern scholar might not pick up.⁵⁸ It is less certain than it was that he was a 'man out of his depth', without either a 'profound view of the historical situation' or 'an overall historical vision'.⁵⁹ Was he not rather constrained, as seems increasingly probable, through his choice of genres and topics, a repressive political climate, and—most important perhaps—self-censorship, from doing full justice to central issues of his time, including the religious?

A recent work on Justinian's consort, Theodora, illustrates the difficulty. 'This is a study,' writes the author, 'that grew out of my earlier book on the Justinianic period... it, in turn, emerged from an interest in Procopius of Caesarea.'⁶⁰ Later, he reminds us that 'our knowledge of the past is as good as our sources'. True—up to a point. But, we must also ask how surviving traces of the past may become 'evidence'. There is the further question of how we ourselves may be able to go beyond panning primary sources for 'precious nuggets of information',⁶¹ and add to them by, for example, 'modelling'—with help from social scientists of various kinds, hindsight, or after comparisons with other cultures, ancient and modern. A. H. M. Jones's classic, *The Later Roman Empire*, also shows how the constraints of more traditional approaches can limit our insights. On the one hand, Jones's mastery of the written materials gave him so much of lasting value to say in Part 2 of his magnum opus about how the administration worked in the sixth century—though less about the competing ideologies of that world.⁶² On the other, there is relatively little interpretation of this material in, for instance, his narrative Chapter 9, in Part 1, on Justin I and Justinian. 'Facts' are not always enough.

Another reason for trying to go beyond more traditional approaches, especially those concentrating on narrative and institutions, is because, even done well, such history tends to pass over the views of the social actors who created the history, including their conceptual frameworks (or *mentalités*), in

⁵⁷ Averil Cameron (1985), 261.

⁵⁸ Kaldellis (2004), esp. ch. 5; see also Greatrex (2003).

⁵⁹ Averil Cameron (1985), 263–4.

⁶⁰ J. A. S. Evans (2002), p. vii, referring to Evans (1996).

⁶¹ Barnes (1981), 274–5. ⁶² Jones (1964).

favour of a supposedly 'objective' treatment of social and political conditions. To understand the subjectivities of the sixth century, we should go first to such writers as Peter Brown, Averil Cameron, or Mischa Meier.⁶³ Meier usefully treats the sixth century as a whole, and examines popular attitudes (including those of writers) in response to what, he argues, was the eschatological angst of the age. This was intensified by numerous *Katastrophen*—environmental, military, political, astronomical—to which, for him, imperial policies and religious developments were a reaction. In doing this, he may underplay alternative or complementary explanations of the social phenomena he addresses. But he provides a valuable corrective to the (over-)optimistic picture of the century increasingly in vogue. This has followed a sometimes naïve interpretation of the now burgeoning archaeological evidence,⁶⁴ and a rejection of older views which, like Gibbon's, were predicated on the decline and fall of the (Western) Empire.⁶⁵

Our paradoxical conclusion, therefore, is that traditional, narrowly 'empiricist' methods can frustrate even the empiricist/positivist goal of presenting the past 'as it actually was'. They leave too much out by omitting what is not to be found in the sources, when narrowly interpreted as stores of 'facts'. If we wish to write explanatory, not simply descriptive, history which is both 'true' and non-trivial, but which also contributes to recreating the world of the past in social and cultural terms, then 'immersing ourselves in the evidence' will not always be enough.⁶⁶ Similarly, a reluctance to exploit the insights of social theory can often be—how often, and where will depend on the historian's actual subject—

no more than a recipe for... the antiquarian mentality with its fondness for classification and irrelevant detail. A historical explanation is a complex of answers to questions. The evidence propounds no questions. The historian himself does that, and he now possesses an adequate array of concepts for the construction of hypotheses and explanatory models.⁶⁷

Or, as a historical sociologist put it:

There are more social and historical data than we can digest. A strong sense of theory enables us to decide what may be the key facts, what might be central and what marginal to an understanding of how a particular society works.⁶⁸

⁶³ Meier (2003).

⁶⁴ Ward-Perkins (2005) is a conspicuous exception.

⁶⁵ For the archaeological evidence, see Ch. 3.1. Note, however, the impact of disasters, including psychologically, in e.g. Proc. (Wars 7.29.6; Bldgs. 2.7; SH 18.36–45), Mal., *passim*; Evagrius, EH 4.29–32; or Ps.-Joshua, 253–5.

⁶⁶ As argued for by e.g. Elton (2002), 71–122.

⁶⁷ Finley (1985), 6.

⁶⁸ Mann (1986), p. vii. For guides on relevant social concepts for historians: e.g. Abrams (1982) and Burke (2005); tailored for Byzantinists, Haldon (1984–5). Also Morley (1999); Tosh (2002).

Only by cross-fertilizing fact and social theory, as happily is increasingly popular, are we likely to set East Rome successfully in its wider Mediterranean context, thereby 'elucidating specific social institutions' and helping us 'situate such institutions in the whole of which they are part . . . in an effort not just to describe Byzantine society but also to explain how it functioned and why it changed'.⁶⁹

SOME PROBLEMS 4: THE 'LITERARY TURN'

The 'literary turn' in late twentieth-century historiography can also help interpret our source materials to produce a more satisfying all-over picture. It insists, however controversially—hostile critics would claim at the price of scholarly objectivity—on reading historical evidence with the kind of critical skills brought to imaginative literature.⁷⁰ But it **does not resolve all our problems. This is partly because some of its advocates, apart from sometimes seeming remote from what historians actually do, overstate their case.** Rightly reacting against a narrow treatment of sources (or 'texts') as collections of 'facts', **they can undervalue the referential function of language.** Instead, they see history rather as a prisoner of language and literary convention—and of the works of earlier writers, ancient and modern—whose narrative constitutes facts, and constructs texts in accordance with rhetorical 'tropes' and figures of speech of all kinds, thereby generating what are primarily literary works, full of ambiguities both deliberate and unintended. One British advocate has even described history as 'a discursive practice that enables present-minded people to go to the past, there to delve around and reorganise it appropriately to their needs'.⁷¹

Yet this is to go from one extreme to another. It ignores the double nature of history and its methods. As Paul Veyne observed (in our epigraph), history is not just a literary product; it is also, to the extent that we can achieve it, true—a position with defenders in the Anglo-Saxon analytical tradition.⁷² **Conversely, novels can give us a deep insight, emotional as well as intellectual, into the past—and present:** *War and Peace* is the obvious example. Novelists like Chinua Achebe and Mongo Beti were, for me, one important 'way into'

⁶⁹ As e.g. Haldon (1997); Sarris (2006); Banaji (2nd edn., 2007); Wickham (2005, 2009) all seek to do. Quotation: Haldon (2009b), 27.

⁷⁰ For a critique of the objectivity of history from relativists and postmodernists: e.g. Carr (2001), introd. R. J. Evans; K. Jenkins (1995). The contentiousness of these issues is shown by the hostile reactions, both traditionalist and postmodern, to Evans's own *In Defence of History*, to which he responded in his 2nd edn. (2002).

⁷¹ K. Jenkins (1991), 68.

⁷² e.g. by Blackburn (2005), ch. 8.

West African society, when I taught there. Sometimes, they may even do it better than formal history, through their combination of scholarly research and creative imagination. Thus the US Irish historian Thomas Flanagan explained that he had deliberately written a novel about a barely remembered episode in the French Revolutionary Wars, the 1798 French expedition to Ireland, because he considered that the constraints of academic history prevented him from putting across the 'truth' he wanted to communicate.⁷³

But if the 'literary turn' and postmodern approaches more generally offer no panacea, they help clarify how we ourselves stand in relation to the task of discovering 'facts' and how we fit them into a pattern in order to understand and evaluate them, when we are ourselves 'embodied human beings caught in the unrelenting particularity of space and time'.⁷⁴ 'History is what the documents make of it.' But it is also 'what the conventions of the genre make of it—without our knowledge'.⁷⁵ More literary approaches, however, force us to examine precisely those historiographical conventions, present as well as past, of which we may be unaware, by highlighting such treacherous concepts as 'objectivity', 'structures' such as 'class', or the multiplicity of possible approaches and points of view, including those of the modern historian with his or her own biography.⁷⁶ They do so by sensitizing us to how language itself (and rhetoric) can constitute facts (and is not simply the residue when obvious bias, for instance, has been distilled away).⁷⁷ They insist not only that we transcend the geological and legal metaphors of history as 'mining for raw materials' or 'cross-examining the evidence', but also that we consider 'history as text'.⁷⁸ In doing this we can draw on the methods of anthropology, or even philosophy, as well as of literary criticism. Averil Cameron's general introduction to her book of that title, her introductions to its constituent essays, and her 'postlude' argue persuasively for just such more methodologically eclectic, 'literary' approaches to historical materials. Failure to do this, she argued, would increasingly condemn historians to irrelevance and increasing remoteness from the spirit of their times. Helpfully, this approach does not confine 'texts' to what is written: ritual, visual arts, social practices—all can be 'read'. One of the most stimulating (and short!) accounts of Justinian, particularly in bringing out the political and social significance of ceremonial and propaganda, comes from Peter Brown, a historian notably receptive to the significance of gesture, turns of phrase,

⁷³ Flanagan (1998), introd. Gore Vidal's novel about the last Pagan emperor, *Julian*, rightly featured in the bibliography to Averil Cameron (1993), although not in her 2nd edn. (2012).

⁷⁴ P. R. L. Brown (2003b), 4.

⁷⁵ Veyne (1971), 343.

⁷⁶ Tosh (2002), ch. 7, for a balanced account of the impact of postmodernism on historiography.

⁷⁷ As in Elton, see n. 52.

⁷⁸ Averil Cameron (1989).

and social intercourse—as well as methodologically catholic and unenslaved by a narrow ‘positivist’ approach.⁷⁹

Excellent work has emerged, under this newer ‘literary’ dispensation, which comes at the period indirectly, through close reading of its writing (and individual writers), rather than head-on. Indeed, the historians of the sixth century may have been better served than those about whom they wrote. Other genres, including law, theology, political philosophy, or panegyric, have received similar tender loving care. But even more sophisticated literary approaches can impose their own constraints. They risk becoming more conscious of the intellectual milieu in which their protagonists moved, or the genres they employed, than of the real world in which they and fellow Romans lived, or of the social and economic forces acting on them, and on which they acted in turn. There is also the danger that a concentration on ‘culture’, especially when our sources are primarily literary, will overlook the culture of the non-literate, poorer classes as well as of the wider social and economic contexts in which it is embedded. For example, van Ginkel usefully illuminates John of Ephesus’ ‘discourse’: how John dismissed as ‘Pagan’ any departure from ‘Orthodoxy’ as he saw it; how he had little interest in popular attitudes except as a backdrop to the activities of upper-class key players. Yet van Ginkel does not address in similar detail how far, say, we can trust John’s analysis of the wider religious conflicts in the East during the 570s and 580s.⁸⁰

THE WAY AHEAD 1: EXPLOITING SOCIAL THEORY

The ‘literary turn’ in historiography cannot solve all our problems. But thinking about what it is to write history can help us profit from both these newer methods which emphasize the textual ‘construction’ of the past, and more traditional methods that relate the ‘facts’, including the symbolic universe of a society, to deeper social movements.⁸¹ In this book, I shall try to do this, first, by exploiting social theory in helping construct models that will make it easier to understand the society as a whole, and thus conflict within it; and, second, by making trans-historical comparisons, including some deriving from my own experience as a long-serving administrator in Northern Ireland, seeking the peaceful resolution of (often violent) social conflict.

Later chapters explain more fully the approaches and concepts of social theory which I exploit. Of these, some are implicit in our sources; others were unknown to sixth-century men and women, who did not know the joys of reading twenty-first-century sociology. In this analysis, concepts of ‘power’

⁷⁹ P. R. L. Brown (1971), 150–7.

⁸⁰ M. Maas (1986); van Ginkel (1995).

⁸¹ Averil Cameron (1989).

(both political and economic), 'status', 'class', 'group identity', and 'ideology' (including 'legitimacy') will predominate. The justification for such (apparent) methodological eclecticism is that we need all these concepts to understand the complex reality of the conflicts addressed, while they are also logically compatible, often complementary. (For instance, a 'class' may be considered in terms of the political economy, as a group with a perceived self-identity, in terms of shared status—or all three.) They are still probably insufficient. Whyte's conclusion to his classic study *Interpreting Northern Ireland*, a work of wider relevance than its title suggests, offers a salutary warning:

We have examined ten possible approaches [including several employed here] to the Northern Ireland problem. All face serious difficulties . . . Just where consensus is most desirable, it breaks down completely.⁸²

In theorizing our study, we are in fact continuing a tradition begun in classical antiquity: Aristotle's approach to fourth-century BCE social conflict (*stasis*) within Greek city states resembles mine. His general theory (in my language) links underlying social and economic conditions with institutional and ideological conflict by treating the latter as arising from two sets of conditions: *objective*—in terms of the opposition of 'rich' and 'poor'; and *subjective*—in terms of a perception of 'injustice' on the part of social actors, generally the poorer classes, or the otherwise victimized and exploited. When both sets of conditions apply in a particular society, any number of specific events, which he lists, can trigger *stasis*.⁸³ Later sociologists, including Weber and Marx, also studied historical issues closely, including, in Weber's case, both classical antiquity in general and late antiquity in particular.⁸⁴ It would be folly, therefore *not* to exploit the analytical resources which modern sociology furnishes—resources which have the added advantage of making it easier to draw comparisons with other societies. (Of course, once we start to generalize and discuss behaviour or events in terms of groups and aggregates, or analyse societies as a totality, theorizing is unavoidable.⁸⁵ The question then becomes, 'is it good theorizing?')

We shall accordingly try to 'experiment with methods borrowed from sociology' (and in Chapter 4, social psychology) 'in order to gain new insights into changes in Roman society—not new facts, but a different way of

⁸² Whyte (1990), 242. He addresses the interpretation of NI society, but also effectively the *meta*-question of what it is to analyse any polity; one Oxford political scientist has used Whyte to induce graduate students into the problems of analysing Latin American polities.

⁸³ Aristotle, *Politics*, bks. 3–6. Aristotle elsewhere analyses Greek city states (*poleis*) in terms of three categories: rich (*euporoi*), poor (*aporoï*), and the middling (*hoi mesoi*). The dichotomic model is commoner (and more useful). For Aristotle's views: de Ste Croix (1981), 69–80; Mulgan (1977), ch. 7; and Keyt, tr. and comm. on bks. 5 and 6 (1999).

⁸⁴ *The Agrarian Sociology of Ancient Civilisations* and *The Social Causes of the Decline of Ancient Civilisation*, ed. and tr. in Weber (1976).

⁸⁵ Tosh (2002), ch. 8. Also Finley (1975), ch. 3; Morley (1999), ch. 1.

understanding the relationship between various changes',⁸⁶ This combination of 'modern methods and ancient evidence'⁸⁷ will help us understand better the historical specificity of the sixth-century empire, or at least its socio-economic, political, and ideological dimensions. This study is accordingly also an essay in, and about, interpreting issues more frequently considered in (limiting) isolation. Moreover, the ways in which we shall study actual conflicts in Parts II and III represent examples of complementary approaches, capable of wider application to pre-industrial societies more generally—and often, I suggest, to modern circumstances.

THE WAY AHEAD 2: TRANS-HISTORICAL (AND CROSS-CULTURAL) COMPARISONS

My second claim, for the value of trans-historical comparisons, has two elements. The first and more epistemologically interesting—it also implies the contemporary *utility* of history—is that the present is comparable to the past, even the remote past. Hence, someone's personal experience, or understanding of particular problems in the present, can inform the study of similar ones in the past, while past events can illuminate our own circumstances. Historians in antiquity, and many since, would have thought neither claim controversial. Polybius, for instance, laid especial weight on the importance for the historian of *autopatheia*—that is, having an emotional depth of response to events that only comes from personal experience or involvement in them, or as Thucydides had put it, by living through them.⁸⁸

Such experience extends to the fuller understanding, I suggest, of analogous events in the past: Gibbon, for instance, saw his service in the county militia as relevant to his understanding of military matters, and that in Parliament as responsible for his acquisition of 'civic prudence . . . the most essential virtue of an historian'; A. H. M. Jones claimed that his wartime service as a civil servant helped him understand the *Theodosian Code*; encounters with the contemporary women's movement helped Averil Cameron's study of gender in Byzantium.⁸⁹

The eighteenth-century Scottish philosopher David Hume cited the Ireland of his own day as the best model for understanding social conflict (*stasis*)

⁸⁶ Hopkins (1978b), p. x. His preface is an invaluable justification of this methodology. See Ch. 2.

⁸⁷ Hopkins (1978b), 9.

⁸⁸ Polybius (12.25h 4–6). I am grateful to my friend and former pupil, Georgina Longley, for drawing my attention both to Polybius and also to Thucydides (5.26.5) who, without using identical language, makes a very similar point. See Longley (2012).

⁸⁹ Gibbon (1907), 106 and 179; Jones (1974), 409; Cameron (2004), 4–7.

in antiquity.⁹⁰ For Peter Brown, 'only the ancient world in its fateful last centuries could explain the world in which I myself lived—a Protestant in an Ireland dominated by a Roman Catholicism which claimed direct continuity with the post-Roman, medieval past'.⁹¹ Most trenchantly, Braudel: 'if you cannot leave antiquity to see what happens afterwards, you cannot write the history of antiquity!'⁹² All these writers are using the past productively, either to illuminate the present, or the reverse.

Such claims, however, presuppose closeness between the modern and ancient worlds. Machiavelli, for instance, is replete with points relevant to his own day drawn from ancient history. His *Discourses* are nominally a thematic commentary on the first ten books of Livy, but even when he wrote he was criticized for drawing dubious comparisons, equivalent to expecting a 'jackass to race like a horse', by his contemporary Guicciardini.⁹³ Yet the perceived gap between ancient and modern is even wider than it was, certainly since the Enlightenment and the Industrial Revolution, thereby making such comparisons more controversial than formerly.⁹⁴ But they are not impossible. We can add two recent examples: the feisty and well-received book *The Dream of Rome*, written by the Mayor of London, Boris Johnson, uses the Roman Empire as a lens through which to examine Britain's relationship with Europe; Ferdinand Mount's *Full Circle* wittily and perceptively catalogues a return in the Western world of practices, both physical and intellectual, from classical antiquity, following the aberrations of the Christian centuries.⁹⁵ Then there has been a flurry of serious books in the early twenty-first century on the fall of the (Western) Roman Empire: in several, there is a palpable sense of lessons for a dark present from a dark past.⁹⁶ Further parallels between 'then' and 'now' will emerge, especially in the fields of 'low-intensity security operations', and of organized sport and ecclesiastical politics in Chapters 3 and 4 respectively, while the need for a regime to be widely accepted as 'legitimate' pervades Chapters 6 and 7.

Nevertheless, this greater psychological distancing of the modern from the ancient world does exist; it reflects the transformations—economic, social,

⁹⁰ Hume (1963a [1st pub. 1741–2]), 407–8.

⁹¹ P. R. L. Brown (2003b), 5.

⁹² Braudel (interview), in Rotman (2004), 1.

⁹³ Machiavelli (1961, 1979). Guicciardini (1965), 9.

⁹⁴ A classic rejection of a 'special' relationship to classical antiquity might be Nietzsche, *We Philologists* (*Wir Philologen*) (Nietzsche 1911). (This is despite his regarding ancient Greece as our lost *Heimat* (home) to which all bridges are now broken, excepting the *Regenbogen der Begriffe* [the rainbow [sc. bridge] of concepts): taken from Goldhill (2002).)

⁹⁵ B. Johnson (2006). Mount (2010) is a journalist, novelist, and former head of the Downing Street Policy Unit.

⁹⁶ Ward-Perkins's review (2009) of this literature provides a superlative overview of theories on the fall (or transformation) of the (Western) Roman Empire. More accessible is his podcast on these themes on iTunes.

intellectual—caused by the development of modern science and industrialized society. This has not only included a tendency to see history, at least until recently, in terms of cultural, social, and economic progress. But our knowledge of ancient civilizations of which earlier historians knew little or nothing has also vastly increased. Most recently, the intellectual attractions of relativism and related trends have encouraged some to see the past ‘as another country’, and history as ‘a journey into otherness’.⁹⁷ One also detects the related sense, from the eighteenth century onwards, that modern Europe had now equalled, if not surpassed, the ancients, thereby diminishing its contemporary value as a field of study. Moreover, social anthropology, emphasizing the variety of cultural behaviours needing to be understood in their own terms, and postmodernism, stressing the social construction of even such intimate aspects of human life as sexuality, both caution against assuming too readily (or even at all) either that there is a constant human nature that operated in the sixth century much as it does now; or that parallels between then and now can be safely drawn.⁹⁸ Still less can we ‘read off’ the present into the past or vice versa. Such tendencies have been reinforced from the mid-nineteenth century onwards by a professionalization of historical writing, sometimes tendentiously described as ‘scientific’, and the intense specialization of many of its practitioners.

If one adds the rejection of ‘such lofty functions’ as ‘judging the past, [and] instructing the present’, it is unsurprising that much recent historiography has confined itself, as Ranke famously expressed it, simply to trying to show ‘how things actually were’.⁹⁹ This manifesto retains value in encouraging rigorous and critical research as opposed to moralizing and speculation. But it also encourages academic pedantry by underpinning the narrow emphasis on ‘facts’ we have already criticized. It risks preventing our learning anything of wider relevance from history, however well researched. Moreover, such an approach, notwithstanding its ostensible objectivity and political neutrality, embodies a conservative ideology that sanitizes the past with its often uncomfortable examples for the present. Ranke himself was writing during the reaction to the French Revolution. The French Revolutionaries, like the American Founding Fathers, had appropriated and appealed to the dangerous, because anti-monarchical, virtues—and politics—of early Republican Rome. No wonder those who thought like Ranke recoiled at learning lessons from such horrid liberals and democrats!

⁹⁷ Lowenthal (1985); Veyne (1992), 2.

⁹⁸ The classic modern illustration, for antiquity, of the cultural specificity of history is Foucault (1979 1985, 1986); Veyne (1992), 6–7, insists that universal humanity is a ‘humanist’ illusion: the arbitrariness of custom and the finiteness of history is what counts. His illuminating application of modern social science to the ancient world, however, subverts his rhetoric.

⁹⁹ Ranke (1952). For a balanced account of the strengths and limitations of Ranke’s approach to history, including in providing a perspective on contemporary issues: Tosh (2002), ch. 2.

One would need a separate book to make the full case for the ‘family resemblances’¹⁰⁰ in the way our species responds, across often very different cultures, to the situations in which we find ourselves, and thus justify the claim for trans-historical enlightenment. Yet without an assumption of a persistent common human nature and ‘uniformity in diversity’,¹⁰¹ however much this may run counter to strands of thought in, say, social anthropology, and despite all we think we now know about the ‘construction’ of gender, class, or social identities, it is hard to explain how we understand and empathize with people from past societies, including our own. Take, for example, some characters in the following novels. In order to keep the number of variables manageable and out of a vast range of possibilities, let us note three, all by female writers and all of whose main characters are, or include, women: Helen Fielding, the creator of *Bridget Jones*, in present-day Britain; and, from the increasingly remote societies of seventeenth-century France and the eleventh-century Japanese court, Mme de Lafayette and Murasaki Shikibu. Their works are *Bridget Jones’s Diary*, *La Princesse de Clèves*, and *Genji monogatari* (*The Tale of Genji*). Yet we can understand and share the dilemmas and emotions of their heroines, even though this requires, for the last two writers, strenuous efforts to understand the cultural and literary conventions (including language) and *mentalités* then prevailing in aristocratic Paris or Heian-Kyo (mod. Kyoto). If we cannot thus empathize with individuals from the past or understand their problems (and the narratives in which they are embedded), if these cast no light on our contemporary predicaments, it becomes hard to consider studying the culture of late antiquity (or any other past civilization or culture) as anything more than an antiquarian exercise.

The same is true, though writers on historical method tend to ignore it, of our ability to understand alien contemporary cultures. Again something may be ‘lost in translation’.¹⁰² But a large degree of shared understanding is often achieved. Indeed, Veyne—who does compare the Romans with ‘exotic’ contemporary cultures: ‘Indians of North America and Japanese’—thereby undermines his own case that there is no such thing as ‘human nature’.¹⁰³ After all, many of us have significant reciprocal relationships with members of these and other societies—as fellow human beings—though they may require hard

¹⁰⁰ Wittgenstein (1968), §§65–7.

¹⁰¹ ‘Uniformity in diversity’: Blackburn (2005), ch. 8. Human nature: e.g. the Harvard biologist E. O. Wilson (2000) argues that cultural variation within our species is trivial compared with what humans have in common, and what distinguishes us from other social animals. For the ‘evolutionary psychological’ approach: Wilson (1978); Ridley (2003); Pinker (2002); Dawkins (2006).

¹⁰² Title of film (2003), predicated on the difficulty of cross-cultural communication. For the centrality—and possibility—of translation in accessing ‘alien worlds’, the US philosopher Davidson (2001).

¹⁰³ Veyne (1992), 2.

work to achieve and never be wholly perfect. Nor are these problems peculiar to the past. They often apply to understanding relationships within our own society.

However, the same 'cross-temporal comprehension' holds not just of fictional creations but of actual historical actors—with the difference that, while these individuals feature in sources which may be no less 'literary' in their construction than novels and which have been written employing conventions that also frequently require careful decoding, *they were also real people*. They emerge in the 'true novel', Veyne's *roman vrai*, of history, acting in situations which we can, with patience and sometimes great effort, similarly understand; they faced problems with which we can again, usually, empathize. That is why, notwithstanding cultural differences and the objections of some anthropologists, we can profit by the study of the political dilemmas and analyses of, say, the Peloponnesian War—retailed by a historian convinced he was writing a useful 'work for all time' (*ktema es aei*) precisely because it was written in terms of an assumption of a 'fundamental human nature' (*kata to anthroponon*).¹⁰⁴

In short, the working assumption here will be that past and present *can enter into a dialogue*. Provided we avoid facile equations between then and now, this can be instructive for us today, as David Hume observed. For him,

There is a great uniformity among the actions of men, in all nations and ages, and . . . human nature remains still the same in its principles and operations. . . . Would you know the sentiments, inclinations, and courses of life of the Greeks and Romans? Study well the temper and actions of the French and English.¹⁰⁵

And vice versa—not in the sense that we can accumulate heaps of facts, about, say, the Athenians, read off simplistic 'lessons', and then apply them uncritically to political dilemmas in Britain, or to the statecraft of French presidents. But, through our study of the Athenians (or the Romans, including the later Romans), we can come to understand dilemmas and social strains which they faced, how they responded, and find that they will often be relevant to our own circumstances. We shall certainly be the losers if we fail to reflect on the continuing salience of issues raised, for instance, by an episode of the Peloponnesian War in 416–415 BCE, which Thucydides reported in the so-called 'Melian Dialogue', or, of more immediate relevance, his case study of *stasis* in Corcyra (mod. Corfu), for the political, economic, and ideological dimensions of ancient social conflict.¹⁰⁶ The political centrality of securing the

¹⁰⁴ Thucydides, 1.22.30, in the epigraph. Proc., Wars 1.1, for a similar claim.

¹⁰⁵ Hume (1999 [1st pub. 1748]), 150; also Hume (1998 [1st pub. 1751]), 192. Blackburn (2005), 205–10, convincingly defends this view.

¹⁰⁶ Athenian emissaries press the case, in terms of Realpolitik, for Melos to submit to them; and, when the Melians refuse, kill their men and enslave their women and children: Thucydides, 5.84–116. For Corcyra (mod. Corfu), 3.70–84.

recognition of one's regime as legitimate, defined more fully in Chapter 6, is perhaps the most important single lesson we can take from a study of Justinian's policies, and one which many of his contemporaries, like Agapetus and, above all, the author of the *Dialogue on Political Science*, well understood—as demonstrably have the dynasts of North Korea. Our own contemporaries concerned with, for example, multilateral diplomatic negotiations, counter-insurgency, financial management, or politics more generally are also likely to find a stimulus for thought from the sixth-century examples here. The events of the so-called 'Arab Spring' of 2011 show that several contemporary Middle Eastern potentates could profitably have done so too; for others, it may still not be too late to learn.

I am also at one with the Archbishop of Canterbury, Rowan Williams, when he wrote:

Good history makes us think again about the definition of things we thought we understood pretty well, because it engages not just with what is familiar but with what is strange. It recognises that the 'past is a foreign country' as well as being *our* past.¹⁰⁷

In fact, Church history, where he is an acknowledged expert, has probably already suggested to him stimulating, even painful, analogies to current Anglican preoccupations: the 2008 worldwide Anglican conference at Lambeth, for instance, haunted by the threat of schism, albeit over different issues, supports analogies with the ecumenical councils of late antiquity. He may also reflect that, in his efforts to promote Christian unity, Justinian's often strained relations with successive popes have a renewed topicality following a papal initiative in 2009 to entice disaffected Anglicans into the Roman Church.

THE WAY AHEAD 3: PERSONAL EXPERIENCE

The claim for the relevance of (my) personal experience is a special case of this general argument that past and present can, do, and should inform each other. It is not only a matter of being open about what is inevitable—that the perspective of the historian reflects their own biography: in my case that of a lower-middle-class Methodist from the industrial north of England, who had the good luck to attend an excellent state grammar school and, later, to read Classics and Philosophy at Oxford University before teaching with VSO (Voluntary Service Overseas) in Ghana, and then entering the UK public service. This took me, most notably, to Israel, Lebanon, USA, France, Germany, Colombia, Spain, the Vatican—and, above all, to Northern Ireland. But

¹⁰⁷ R. Williams (2005), 1. See Ch. 4.

it is also hard for someone who has served as a political administrator outside their native territory, as I did in Ulster for some twenty-five years, not to empathize—for all the differences between Egypt a hundred years ago and Northern Ireland now—with Lord Cromer in Egypt when he wrote, at the beginning of the last century, that:

The world has not so very much changed in 2,000 years. Whenever, for instance, I read the graphic account in the Acts of the Apostles of how the Chief Captain, after he had scourged St. Paul, was afraid when his very intelligent subordinate whispered to him that his victim was a citizen of Rome, I think I see before me the anxious governor of some Egyptian province in pre-reforming days.¹⁰⁸

But my claim to 'relevant experience' rests on more than generalized 'empathy'—or even that a contemporary social conflict in the United Kingdom, of which I have intimate knowledge, illuminates others fifteen hundred years ago.¹⁰⁹ It is rather that this experience is also relevant to the *methodology* employed in this book. For the approach in Northern Ireland of successive UK administrations, as the official papers will eventually confirm, and whatever critics of the UK government in Sinn Féin and elsewhere may wish to believe, was to seek peace, stability, and prosperity—and, with it, political institutions acceptable to all sections of the community—in the context of a 'holistic model'.¹¹⁰ In this, the problems of security, politics, and the economy were treated as inseparably entwined. It was a model where those problems were incomprehensible unless approached with some historical sensitivity and knowledge; which recognized that different groups, Nationalists and Unionists above all, saw 'facts' differently and employed different political rhetorics accordingly; and these in turn reflected ideologies grounded in the differing historical experiences of the local communities. (In a similar way, someone who is, from an Israeli perspective, a 'terrorist' can be seen by a Palestinian as 'a freedom fighter' or, later, a 'martyr'.)

SUMMING UP SO FAR

Studying social conflicts in the sixth century presents formidable evidential and methodological problems. Traditional historical approaches do not always

¹⁰⁸ Cromer (1910).

¹⁰⁹ I am not implying that NI is directly comparable to the 'world empire' of 6th-century East Rome—although the ramifications of the NI problem extended from New Zealand to the USA. Nor is it a British colony, as many who should know better still seem to think: it is an integral part of the UK because that is what most of its inhabitants want and vote for. Some of its problems, however—and their remedies—can be analysed in similar terms to those of one or more Roman provinces.

¹¹⁰ Bell (1987, 1993).

resolve them. We therefore need to appropriate methods and concepts more usually associated with the social sciences and literary criticism, and also to set cultural matters in their socio-economic context. More controversially, we also need the further assumption of a broadly constant human nature over at least historical time, and of the validity of comparisons between the historical past and the present. Here our own personal experiences can be invaluable. The resulting history will make it easier to understand social phenomena of fundamental importance for the Eastern Mediterranean in the sixth century. It is also more likely to stimulate reflection on related contemporary socio-political issues—and ideally achieve the wider relevance, outside the academy, increasingly expected of humane studies.

Chapter 2 will explain in more detail the analytical tools to be employed when we go on to examine major structural and institutional conflicts in Part II. Then, in Part III, we shall address conflicts concerning issues of belief, culture, and ideology—and the consolidation of what was to become the Christian autocracy of 'Byzantium'.

The Analytical Framework

Scientists, social scientists, and historians are all engaged in different branches of the same study . . . of man and his environment, of the effects of man on his environment and of his environment on man. The object of the study is the same: to increase man's understanding of, and mastery over his environment.

E. H. Carr, *What is History?* (1961)

On historical understanding, one can say many things of which the most important is that there is no one historical method: a historical fact can only be explained by applications of sociology, of political theory, of anthropology, and of economics . . . One will ask oneself in vain how the historical explanation of an event could differ from its sociological explanation, from its scientific explanation—from its true explanation.

Paul Veyne, *Bread and Circuses* (1976)

WHAT EQUIPMENT DO WE NEED?

I have so far argued for greater commitment to approaches drawn from the social sciences—not least if we are to meet the kind of challenge set out above by E. H. Carr. Here we identify the conceptual equipment we need to understand sixth-century conflicts; clarify what we mean by a 'historical model'; and show why 'classical sociology', as developed in traditions deriving from Karl Marx, Émile Durkheim, and Max Weber, remains of value in its construction. We must also be clear what we understand by such central concepts as 'status' and 'class'.

First, a warning. When using social scientific methods in writing history, we must never let theory-based assertions distort, or substitute for, inferences drawn from ancient evidence—although they may lead us to challenge, develop, and interpret it. Unfortunately, some of the methods social scientists

(or historians of the modern world) employ to prevent this encounter difficulty when the target population has been dead fifteen hundred years. As E. P. Thompson put it, 'we cannot interview tombstones', although archaeologists and epigraphers do their best. Also, most social scientists focus on today's world—with important exceptions: Marx and Weber, for example, amongst the 'classics', or Mann and Skocpol amongst modern historical sociologists.¹ But even when they do tackle antiquity, as Marx analysed the pre-capitalist world in the *Grundrisse*, the results may be too general and theoretical to help us, or, as with Weber, their work primarily focuses on the Western Empire.² So *how* we apply their concepts to our period will be critical.

We need, first, help in surmounting the problems our sources pose: their ideological biases, their lacunae, their focus (in the case of histories) on emperors and their intimates or wars, the paucity of quantitative data. Some we can hope to overcome—their rhetorics, their discourses, their 'textuality'—by the close reading which the 'literary turn' has inspired. But we also need a conceptual scheme that, while dealing with specific events and institutions, permits us to relate these phenomena to the wider late Roman society and to draw comparisons with other societies. Above all, we require a framework that lets us not just describe, but also *explain and understand*, the historical events of interest to us in terms of the basic (and changing) structures of sixth-century society.

KEY VARIABLES

We need now to specify the key variables of our analysis, which will pervade, explicitly or implicitly, all that follows. (Health Warning! readers especially allergic to theory may prefer to skip this, resuming at the section 'Social Conflict'.) Out of many possibilities, I have chosen to start by following Anthony (now Lord) Giddens, the doyen of British sociology, in recognizing that all human interaction involves three elements: the operation of power, the communication of meaning ('signification'), and modes of normative sanctioning. Giddens divides the first into power (or 'domination') between capabilities generating command over persons ('authorization') and over objects or material phenomena ('allocation'). (These are, however, often closely linked—especially in pre-industrial societies, including those of late antiquity, where economic and political institutions are less clearly distinguished than in modern capitalist societies—blurred though these distinctions frequently

¹ Mann (1986); Skocpol (1979).

² For relevant sections of the *Grundrisse*, see Marx (1964). For Weber, see subsection 'Max Weber'.

remain today.) This, for Giddens, constructs a framework of four interrelated structural features 'implicated in the reproduction of all social systems, and simultaneously supplies the basic logic for a classification of all institutions': 'domination' (both authorization and allocation), 'signification', and 'normative sanctions'.³

However, for Giddens, 'ideology' is not an independent variable, but related to structures of 'domination'. This is attractive, but also vulnerable to simplistic interpretations which overemphasize the determination of social (and other) ideas by material circumstances.⁴ There remains advantage, therefore, in positing 'ideology' as an independent, if closely related, key variable in our scheme. Happily, Michael Mann, in his outstanding history of social power from antiquity to the eighteenth century, also treats 'ideology' as a fundamental variable of analysis.⁵ This he divides into three elements: *meaning*—whereby groups monopolizing a claim to the social organization of ultimate knowledge and meaning essential for social life can wield power; *norms*—through which ideological movements (such as religions or, for us, the idea of the emperor as the imitation of god) that can enrich or determine the shared normative understandings essential for stable, efficient social cooperation, may also enforce their collective power; and *aesthetic and religious* (i.e. *cultural*) *practices* which are not, he argues, susceptible to rational argument. Sociologists have discussed such analyses at length; we need not, especially since one cannot dispute his conclusion that, where the control of all three variables (*meaning, norms, cultural practices*) constituting 'ideology' is monopolized by a distinctive group—the emperor or the churches, for instance—that group will possess great power.

Combining the best (for us) of both Giddens's and Mann's approaches, our conceptual schema will have at its core the following closely interrelated variables ('structures' in Giddens's terminology):

- Power/domination:
 - Political ('authorization');
 - Economic ('allocation').
- Ideology:
 - Meaning/signification;
 - Norms;
 - Aesthetic/religious practices.

Peter Brown has provided a helpful, concrete example of how these variables were linked in late antiquity: there was a (by no means monolithic) power

³ Giddens (1995), esp. ch. 2; pp. 46–7.

⁴ Ch. 5 provides a fuller treatment of the concept of 'ideology'.

⁵ Mann (1986), i. 1–33. The other elements in his model of social power are economic, military, and political power. These are compatible with Giddens's scheme.

elite, effectively controlling both political and economic life, with skills in the communication of social meanings ('signification') and of a socially conservative ideology, combined with associated behavioural norms and associated cultural practices.⁶ These latter skills and behaviours, and with them elite membership, were in part the product of an expensive rhetorical and literary education (*paideia*) and the values it transmitted.⁷

In handling the 'multiple overlapping and intersecting socio-spatial networks of power'⁸ in the empire, we shall prioritize domination over the agricultural base of the economy: that is where power (of both kinds) chiefly resided. We shall also sometimes single out *state power*, in terms of both authorization and allocation, and its ability to promote a self-interested political ideology. Although this power shares much with upper-class power generally, it has the crucial distinction of being central and omni-territorial. Those who control it can trap others, as Mann puts it, 'within their distinctive organisation chart'.⁹ But, while the wider public perspective of the emperor and his servants can generate conflict with the narrower perspectives of private members of the upper classes (*potentiores*), one must here too beware of oversimplification. For there is a considerable overlap between the two groups. Indeed, an individual could belong to either (or both) at different times: when he was an office-holder, for example, whether in the capital or the provinces, and when he was not. Likewise officials can operate in their own private interest, even when in office; here the best example may be the radical misgovernment in Egypt denounced by Justinian in *Edict* 13, but often reflected in other measures of administrative reform (e.g. *Novel* 6). Such potential conflicts of interest are also independently recognized by the author of the *Dialogue on Political Science* in the arrangements envisaged for the supervision of magistrates.¹⁰

Second, we must accommodate the interaction of more or less knowledgeable social actors who draw on the resources of the 'structures' we have itemized, in ways which reproduce, modify, or transform them. This lets us analyse society in ways which recognize the existence of social structures/institutions/discourses of domination, and of ideology (also, from Chapter 4 onwards, of group identities). But without claiming that such structures have an independent existence of their own; they only possess a 'virtual existence' for they are the product of recursive social practices and relationships of actors and collectivities in social systems over time.¹¹ This provides an explanatory framework that lets us talk about *both* generalities such as structures of

⁶ P. R. L. Brown (1992), *passim*.

⁷ How the ideology embodying such skills and behaviours was transmitted to the lower classes: see Ch. 5.

⁸ Giddens (1995), 1.

⁹ Mann (1986), i. 22.

¹⁰ *Dialogue* 5.88–96.

¹¹ Giddens (1995), 26.

domination (as, for example, exemplified by the churches, landowners, the legal system, or the imperial regime), and the specific social dealings of emperors, administrators, bishops, landlords, or agricultural workers of varying statuses.¹²

SOCIAL CONFLICT

Our rule will be that 'conflict' has two senses: first, denoting *opposition* between individuals or groups, often in terms of groups with opposing socio-economic interests; second, actual *struggle* between them. The distinction is important since conflict may remain latent, sometimes with the actors unaware of their own interests. Failure to draw it may explain otherwise mystifying claims that there is minimal evidence for class conflict in fourth-century Antioch or sixth-century Constantinople.¹³ Equally, conflict may emerge where the actors either mistake their interests or regard them as of secondary importance, and enter into alliances with those whose interests run contrary to their own. Or into struggle with their 'natural' allies. Factional and religious disputes and some rural conflicts in our period can fall into this category.

These fundamental concepts are sufficiently flexible to accommodate, in Braudel's now widely employed terminology, both *l'histoire conjoncturelle* (in terms of slowly changing structures/discourses/institutions), and *l'histoire événementielle* (what individual actors or groups did at particular times in the shorter term—including modifying those wider structures). But we must now give them substance in terms of the culture of their age—and orchestrate them.

THE CONCEPT OF A MODEL

'Any analysis of the ancient economy that pretends to be more than a mere listing of antiquarian data has perforce to employ models.'¹⁴ The best-known models in the social sciences, especially those of economists, are quantitative. But our data are usually insufficient. This is not all loss: economic models can be stronger on their mathematics than in reflecting the 'real world' they claim

¹² This paragraph reflects Giddens's 'theory of structuration', summarized in Giddens (1995), 26–9. For a fuller treatment, see Giddens (1979 and 1994).

¹³ e.g. by Petit (1955), 238–44; and Patlagean (1977), 215–25.

¹⁴ Finley (1985), 60.

to model—as we know from the financial crises of the early twenty-first century; they can import assumptions, such as economic rationality or even ‘efficiency’, that are questionable for pre-modern (and arguably many modern) economies; they tend to exclude the wider social variables, including power relationships of the ‘political economy’; while even to extract ‘the economy’ as a separate sphere from the wider society is open to challenge. Moreover, quoting numbers injects a degree of apparent certainty that may be unjustified. Or it may focus interest on what is quantifiable, but less important. And, as Finley also demonstrates, figures are one thing—statistics, involving the comparison of reliable and comparable numerical data over time, are quite another.¹⁵

Again Finley rescues us. He was convinced that, although we mostly lack the kind of materials a contemporary social scientist can exploit, ancient historians can nevertheless employ a ‘second best procedure’. We can employ qualitative, non-mathematical models, thereby controlling the subject of our discourse by selecting and orchestrating the variables we wish to study. He offered the following definition of a model:

A simplified structuring of reality which presents supposedly significant relationships in a generalised form. Models are highly subjective approximations in that they do not include all associated observations . . . but as such they are valuable in obscuring incidental detail and in allowing fundamental aspects of reality to appear.¹⁶

Aristotle was the progenitor of this approach. In analysing social conflict (*stasis*), he cut through the myriad political institutions, regimes, and class/status groups in the contemporary Greek world to the dichotomic theory we noted in Chapter 1. Such heroic simplification—tolerant of occasional counter-examples—will help, in Chapter 3 for instance, to model agrarian conflicts without losing sight of the fundamentals in inconclusive arguments about the precise legal status of those agricultural workers, the *coloni* of various types, whose condition bordered ever more closely on that of slaves.

Finley, however, commended the use of models less in terms of simplification than of Weber’s account of ‘ideal (or pure) types’:

An ideal type is achieved by the one sided *accentuation* of one or more points of view and by the synthesis of a great many diffuse, discrete, more or less present and occasionally absent concrete *individual* viewpoints into a unified analytical construct. In its conceptual purity, this mental construct cannot be found empirically anywhere in reality. It is a *utopia*. Historical research faces the task of

¹⁵ Much effort is nevertheless still being put into trying to quantify the Roman Empire: see e.g. Scheidel and Friesen (2009); Bowman and Wilson (2009); and Decker (2009).

¹⁶ Finley (1985), 60, who takes this definition from the work of two geographers. Maps are a paradigm case of just such a model.

determining in each *individual* case, the extent to which this ideal construct approximates to or diverges from reality.¹⁷

For us, differing definitions or epistemological understandings of models matter less than the shared notion of simplification, and their standing at one remove from 'concrete historical reality'. But the simplifying and highlighting of key variables make it easier to emphasize the essentials, and to criticize one's interpretations—and therefore to revise or reject them.

BUILDING THE MODEL 1: HOW MARX, WEBER, AND DURKHEIM CAN HELP

The preservation of social order and the nature of social conflicts with the potential to destroy it have excited social theorists and philosophically minded historians since antiquity: Thucydides' treatment of the 'civil war' (*stasis*) on Corcyra or Aristotle's analysis of the wider phenomenon in the fourth-century BCE Greek world are only two examples.¹⁸ We shall be the losers if we overlook important elements in their thinking: not only the structural, that is political and social conflicts of 'rich' and 'poor', but also their social and ideological dimensions. The account of sixth-century conflicts here addresses both sets of issues. But the socio-economic institutions of the late empire had changed profoundly from those of classical Greece: the city (or *polis*), while still socially and economically important and the centre of local government, was ever less autonomous in the running of its own affairs, but increasingly integrated into an autocratic world empire and its associated political economy. Thus, for all the great merits of Aristotle's approach, we must import additional ideas from later, less culture-specific explanatory models.

The literature is vast.¹⁹ In practice, our analysis will draw primarily on traditions deriving from the three 'classical sociologists' Marx, Weber, and Durkheim.²⁰ There are good reasons for this. The Marxian and Durkheimian traditions provide the starting point for much modern analysis of conflict, and, with the Cold War itself now ancient history, 'Marx simply becomes a major social theorist of the past whose ideas can be drawn upon, just like Malthus, or Smith, or Weber'.²¹ Both concern theories of society as a whole or

¹⁷ Weber (1949 [1st pub. 1904]), 90 (Weber's italics). MacRae (1987), ch. 7.

¹⁸ See Ch. 1.

¹⁹ Wrong (1994) identifies the main issues addressed in what follows.

²⁰ Hughes et al. (1995) convincingly argue for their continuing relevance against those—Lyotard (1984) is basic—who contend that the 'meta-narratives' of the classical sociologists are now irrelevant.

²¹ Wickham (2007), 35.

as a system. For the Marxian historical-materialist tradition, the focus is on (class) conflict—rooted in the means and relations of production pertaining in any given society—at its simplest, in the extraction and perpetuation of a surplus from the original producers beyond what they consume themselves. For this tradition, the existence of social order and consensus is the potentially awkward residual that has to be explained. For Émile Durkheim and his heirs (and ‘functionalists’ more generally), the emphasis is on how social order is maintained through social solidarity and consensus, reflecting shared norms and values (and the way social institutions function). Here, against a background of alleged social harmony, social conflict becomes the residual to be explained away.²² Both approaches are valuable in different contexts; I shall treat them as actually, or potentially, complementary.²³ On balance, however, the historical-materialist tradition will be more useful, because our primary interest is understanding conflict.

Marx or Durkheim? Antioch—a test case

The history of Antioch between the fourth and the sixth centuries shows why. The organigram in Fig. 2.1 sketches a ‘model’ of the main social actors/groups in Antioch and their key relationships.²⁴ But should we see these relationships primarily in terms of (class) conflict or consensus? A ‘Durkheimian’ analysis for fourth-/early fifth-century society could explain the (usual) prevalence of social order in terms of a widespread sense of social solidarity and shared values, notwithstanding stresses imposed by, for example, food shortages, earthquakes, religious controversy, social inequalities, or the exploitation of country dwellers, including when they visited the city.²⁵ This ‘collective consciousness’ (*conscience collective*) is based on the kind of norms and practices (including an idealized version of the relationships between the upper and lower classes) extolled by the fifth-century Antiochene *rhetor*, or literary professor, Libanius, in his *Antiochicus* (Or. 11).

In fact, there will be varying degrees of both ‘conflict’ and ‘consensus’ at all times. But the consensual ‘model’ becomes less capable of explaining the apparently growing social polarization of Antioch from around the late fourth/fifth century onwards, with a relative decline of (the weaker parts of) the urban elite, the curial class, in common with that of other cities; the establishment of the ‘reformed’ circus factions and their associated violence

²² As recommended by Lockwood (1992), pref.

²³ Lockwood (1992), p. xiv.

²⁴ This diagram could serve for other cities, although, in less strategically important regions, the military would be less prominent.

²⁵ e.g. Amm. Marc. RG 31.1, Julian, *Misopogon*; Lib. Or. 19. On Antioch, Petit (1955); Liebeschuetz (1972). For the late antique city more generally, see n. 28.

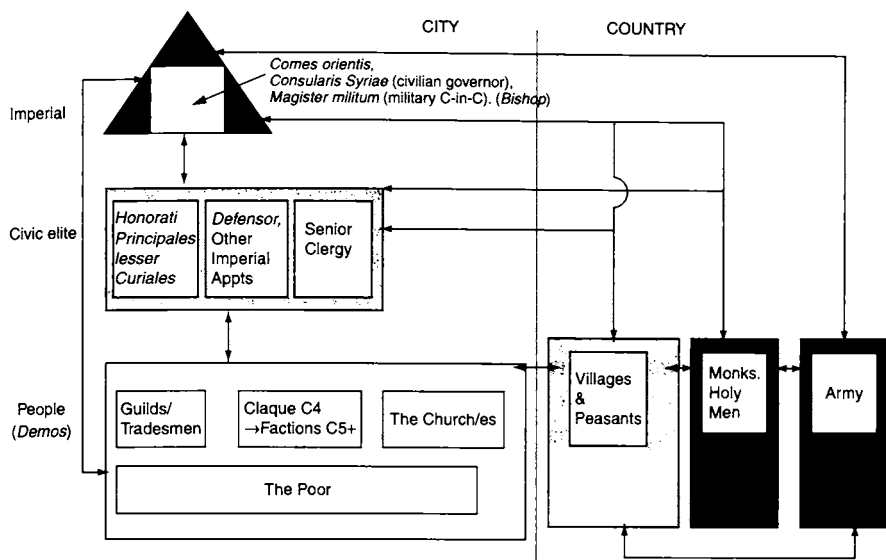


Fig. 2.1 'Antioch'—Model of a late antique city, showing the main social groupings (simplified and not to scale) and networks. NB: The Bishop was not, in theory, an imperial functionary, but increasingly behaved as such—see Ch. 6 (author's diagram).

(including sectarian violence, in the riots of 490 and 507);²⁶ street fighting between monks and citizens, as in 509; the intense conflict in the mid-sixth century revealed by the visitation of the high official Amantius;²⁷ or the stand-off of 577–88 that split the city violently between the bishop and the count of the East (*comes orientis*), with the 'respectable', that is the richer, classes siding with the latter.²⁸ Reviewing the development of one city over two hundred years, we should better interpret Libanius, especially in his *Antiochicus*, less as articulating any *conscience collective* but as primarily *ideological*. He was airbrushing out conflicts of interest both between rich and poor, as well as between Pagans and what may have been by then the Christian majority, and promoting a particular vision of the city in the interests (primarily?) of its non-Christian upper classes. Hence, even for the earlier period, a 'conflict model' of Antiochene society is more appropriate. For this, a Marxian analysis is more illuminating.

²⁶ Mal. 389, 396. His language implies there were more serious incidents than he records. See Ch. 4 for the reorganization of the factions in the 5th century.

²⁷ Mal. 487; the *Life of St Symeon the Younger*. See Ch. 5.

²⁸ Evagrius Scholasticus, *EH* 5.18, John of Ephesus, *EH* 3.29. Liebeschuetz (2001b) for the transformations of the East Roman city; contra Whittow (2001) who stresses the continuity of urban institutions, and the continuing economic centrality of cities. The two views are not incompatible. Jones (1964), ch. 19, remains valuable.

There is a similar tension between, on the one hand, what Procopius could be taken as presenting, in his *Buildings*,²⁹ as the *conscience collective* of mid-sixth-century Constantinople: this centred on an emperor, and an orthodox, catholic regime on whose apex he was enthroned, which 'had brought the empire to rest on the firm foundations of a single faith'. And, on the other, what we know, not least from Procopius elsewhere—from the *Secret History* but also from his *Wars*—about intense and continuing religious and political, often class-based, conflicts (including actual struggle), both in the capital and the provinces.³⁰ Indeed part of the interest of the sixth century lies in studying how both the imperial administration and the churches sought to *construct* precisely such a normative consensus of the kind often characterized as 'Byzantine', in order to preserve social cohesion—and the regime. We must not be taken in by such exercises in political propaganda.

Max Weber

Our last 'classical sociologist', Max Weber, is interesting both as an ancient historian and a sociologist. As the former, he has not worn well. Perhaps because, as his article *The Social Causes of the Decline of Ancient Civilisation* reveals, he was too ready to see Roman civilization as moribund long before the end—in the West—actually came.³¹ He also thought the empire had by then subsided into a backward, unmonetarized 'natural economy'. This is simply wrong.³²

But as a *sociologist*, keenly interested in history, his value endures. This is partly because he neither placed his emphasis on social cohesion, like Durkheim or Talcott Parsons, nor was he a conflict theorist, like Marx or Dahrendorf. Indeed he saw conflict and consensus everywhere, but did not privilege one systematically over the other—another reminder not to see any society exclusively in terms of either concept.³³ Moreover, as well as modelling historical situations through 'ideal types', he has bequeathed other approaches to later historians and sociologists which are indispensable—including the absence of dogmatism. Also, unlike Marx or Durkheim, he refused to reify concepts such as 'classes' or 'society'. Here too they will remain heuristic. We shall also draw, in Chapter 6, on his concept of 'legitimate authority'. No less instructive is the emphasis he places, like Aristotle, on actors' understanding

²⁹ *Bldgs.*, esp. 1.6–11. For the *Bldgs.* as ideologically motivated panegyric in the imperial interest, see Elsner (2007) and Bell (2009), who makes a similar case in regard to Paul the Silentiary's *Description of Hagia Sophia*, itself influenced by the *Bldgs.*

³⁰ See Chs. 3–6.

³¹ Weber (1976 [1st pub. 1896]).

³² As Banaji (2007) explains. See Ch. 3.

³³ Wrong (1994), 222–3.

of their situation, and on the importance of recognizing human agency in historical analysis.

In order, however, to satisfy our original requirement that we must be able to talk both about such generalities as the churches, landowners, or the circus factions as well as individual emperors, bishops, intellectuals, or charioteers, we shall also exploit the 'wholly artificial' but nevertheless useful distinction originally drawn by Lockwood,³⁴ and later exploited with modifications by, for example, Giddens and Habermas: that between 'social integration' and 'system integration'. Lockwood argued that the former focused on 'relations between actors'; the latter, 'relations between parts'. This definition may not have found universal favour, but the essential—and valuable—distinction being drawn lies in that between the achievement of consensus, solidarity, and cohesion among interacting individuals on the one hand ('social integration'), and more systemic interdependence among groups, social aggregates, or institutions on the other ('system integration'). It will help us talk in Chapters 3–5 about both the systemic role of various systems (or 'structures') and institutions—class structure, the monetary system, the legal system, bureaucracy, churches, and ideology—in keeping the empire together (or otherwise). In Chapters 6–7, by contrast, our focus will be on a more personalized ('social') approach to conflict and order, including specific imperial initiatives, and elite politicking—but without becoming enmired in the personality of the emperor and his close associates.

Much of what follows will thus be loosely within the historical-materialist tradition: majoring on conflict, but also relating it to the ability of sixth-century people to innovate and modify the circumstances of their lives. It will also ask *to whose benefit* they organized the productive forces of the age. We shall *not* be claiming to analyse this society with 'the precision of natural science',³⁵ nor with any preconceptions about 'modes of production'.³⁶ Nor will a reader find obsolete teleological baggage about the 'historical process'. In keeping with many contemporary historians who continue to derive fruitful concepts from the Marxian tradition, those ideas and concepts here will be diagnostic.³⁷ Equally, we shall not try to justify interpretations by reference to the 'sacred texts' of the classical tradition(s), as did de Ste Croix in promoting

³⁴ Lockwood (1992), app., for a full discussion. Cf. Giddens's (1995) wish to capture a similar distinction.

³⁵ Marx, *Preface to a Critique of Political Economy* (1859), in Marx (1977), 389 ff.

³⁶ In practice, the so-called 'tributary' mode of production seems the best fit for the 6th-century political economy: it rested largely on the direct nature of primary surplus accumulation by the state and its servants through 'tribute'—here taxation and other means of appropriating resources. But even this cannot be applied uncritically with regard to the economy: it ignores, for instance, the existence of a genuine labour market in Egypt and elsewhere and the probable importance of a 'financial sector' as well as taxes on trade as customs duties. See Banaji (2007), ch. 8.

³⁷ An approach argued for in Wickham (2007).

an interpretation of Marx (and Engels) with which he believed Marx himself would have concurred 'after some argument perhaps!'³⁸ My approach will rather try and combine the best of the historical-materialist and other traditions in a non-dogmatic way. Marx and Engels can illustrate this too:

Viewed apart from real history, these abstractions [*sc.* of historical-materialism] have no value whatsoever. They can only serve to facilitate the arrangement of historical material... But they by no means afford a recipe or schema... for neatly trimming the epochs of history. On the contrary, our difficulties only begin when we set about the observation and the arrangement—the real depiction—of our historical material.³⁹

Rupert Brown, the social psychologist who has most influenced the treatment of religious and factional conflict in Chapter 4, made a similar point:

We can only apply the tools of this discipline [*sc.* social psychology] outside the laboratory on the basis of a proper understanding of the historical, political and economic factors at work in each context.⁴⁰

BUILDING THE MODEL 2: CLASS OR STATUS?

Which is more revealing—to analyse late Roman society in terms of 'class' or 'status'? Ought we to employ 'class' where groups are primarily defined in terms of their relationship to the means of production;⁴¹ and where the question of who owns or controls those means of production is of critical importance? Or should we think rather in terms of 'status', where individuals and groups are defined, with varying degrees of hierarchy and legal force, in terms of their position in the social structure (e.g. as senator, priest, or agricultural worker of one kind or another)? What, above all, do we understand by 'class conflict'?⁴²

In the 1950s and 1960s, the late Ralf Dahrendorf was amongst those who evolved (non-Marxist) 'conflict theory', against the then prevailing functionalism and Marxism. He concluded that the central conflict in all social institutions concerned the distribution of power and authority rather than of capital, with economic conflict constituting a special case of political conflict; it was the relationship of domination and subordination which

³⁸ de Ste Croix (1981), 30.

³⁹ Marx and Engels (1974), 48.

⁴⁰ R. Brown (2000), 358.

⁴¹ This includes the social relations between workers, technology, and other resources used.

⁴² Morley (1999) similarly sees this as a fundamental issue. His approach (ch. 4) broadly supports mine.

produced antagonistic, including antagonistic economic, interests.⁴³ Society was primarily divided not between 'haves' and 'have-nots', but between those who gave and those who obeyed orders. He was clearly right to attach importance to conflicts over social power, one of our key variables. But should he have so downplayed the significance of the *economic*—and therefore the *class*—dimensions of conflict?

Many recent writers on pre-industrial societies, including late antiquity, would still probably agree with Dahrendorf. For example, Patricia Crone has argued that, in them, the 'social order was shaped by political rather than economic relations' and concluded that 'pre-industrial societies were not class societies by any definition'.⁴⁴ She also interprets Marx as meaning there are 'only two classes for practical purposes': that is, those who owned the means of production, the 'capitalists', and those who did not and could only sell their own labour power, the 'workers'. Classes for her, rightly, are 'economic groupings'; she recognizes both that some owned the means of production and others did not, and that social conflicts erupted from time to time. But, for her, 'states were rarely economic units'—although this is to ignore the integratory impact of the monetary system, an empire-wide taxation system that bound together the centre and peripheries of the late empire, large-scale trade and economic specialization, and the activities of the state more generally. For her, although there were 'numerous *bits* of classes in Marx's sense (the peasants of a particular village, the landlord of a particular estate), the bits did not add up to real classes because there was little economic interdependence between them'. More generally, there was a lack of 'common aims above the local level, let alone political organisation'—hardly true, however, of the imperial administration and the way they ran the tax system or their armies.

Garnsey and Saller may, by contrast, recognize the potential of an undogmatic use of categories such as 'class', but they focus on 'the processes giving rise to, and preserving inequalities' in the empire.⁴⁵ Garnsey and Humfress developed these themes. Thus, in analysing social hierarchies, which they consider ever more dominant in late antiquity, they accept the 'exploitation of the "masses" by the few'. Yet they warn the reader against following late imperial law in dividing the population between the powerful and the weak, *potentiores* and *tenuiores*, and to treat any other schema of bipolarization with caution.⁴⁶

We can agree with much of this. No one denies the salience of social hierarchy and status, the need to avoid oversimplification, or the general absence of large-scale organization by the *lower orders*. The difficulty, however, lies not in such arguments, but in the different conclusions that we may wish to draw. This is partly because we can point to something very close to, if not identical

⁴³ Dahrendorf (1959). ⁴⁴ Crone (1989), 99–102.

⁴⁵ Garnsey and Saller (1987), 109–12.

⁴⁶ Garnsey and Humfress (2001), 83–5.

with, 'class consciousness' on the part of the elites. We have, for example, Libanius' fourth-century paeans to the upper classes of Antioch, including their allegedly beneficent economic role in the life of their city, the central political and economic regulatory roles proposed for the senatorial classes of the empire in the sixth-century *Dialogue on Political Science*, and, above all, the Theodosian and Justinianic *Codes*. Their legislation, for instance, on the varying, and increasingly depressed, legal status of agricultural workers is inseparable from the role they played as tax and rent payers in the wider political economy, as Chapter 3 will show. If the lower classes were not organized politically, the same cannot be said of their betters: contrast the upper-class-led bureaucracy, military, or the private militias (*bucellarii*) of many land-owners, great and small, whose duties included coercing their workforce in the economic and political interests of their master, whether he was the emperor or a local notable. The latter might also operate on an empire-wide basis, as did the Apions, whose operations are best known from, but not confined to, Egypt.⁴⁷ Also, as Chapter 4 will show, something approaching (lower-)class rhetoric emerges at times in such Christian writers as Agapetus, Leontius the Deacon, Romanos the Melode, or, in the West, Salvian and Ps.-Pelagius.⁴⁸

A closer look at the evidence and the assumptions often made in evaluating it helps explain why these confusions persist. For example, it does not follow that because late Roman society was highly graduated in terms of status, or shaped by political relations, it was not *also* graded and shaped by economic relations. Even though the two were closely correlated and arguably 'social stratification is the overall creation and distribution of power in society',⁴⁹ they are neither identical conceptually, nor in fact. One can see this by reference to a number of other pre-industrial societies discussed below.

The dispute between Geoffrey de Ste Croix and Moses Finley still shows why all this matters. For the former,⁵⁰ the fundamental social conflict throughout antiquity was between 'classes'—groups defined in economic terms by reference to the prevailing relations of production. He criticized Finley for both the privileged position in analysis that Finley (and earlier Weber) tended to give to 'status groups'—defined primarily in terms of a shared lifestyle—and also Finley's tendency to see society generally as comprising a stratification of such groups. This ignores what de Ste Croix argued was the fundamental economic basis and organization of society. In particular, the concept of 'status' fails to capture what was for him the organic relationship between 'classes': these are *necessarily* connected through the fact of economic exploitation, whereas conflict between status groups is merely contingent and over power and prestige.

⁴⁷ The Apions: Sarris (2006).

⁴⁸ Morris (1965) and Sarris (2009b) for Ps.-Pelagius (aka the 'Sicilian Briton').

⁴⁹ Mann (1986), 10.

⁵⁰ De Ste Croix (1981), 89 ff.

Garnsey and Humfress, in adopting a '*mille feuille* model' of social stratification, also do not address the exploitative relationship *between* classes and their dynamic, not simply positional, relationships. To illustrate the late Roman obsession with status and hierarchy, they cite the *Theodosian Code* 6.10.3 (381), which orders precedence amongst higher ranks of the service aristocracy. (The *Justinianic Code* 12.8 shows a continuing concern with such minutiae under Justinian.) But their analysis would have been more complete if they had also cited, for instance, the *Theodosian Code* 16.5.52, which deals with both status *and* class relationships. This correlates penalties for Donatists, a type of African 'heretic', with their status: the highest social rank, *illustrissimi*, were to be fined 50 lb of gold; lower ranks of senators, sums ranging from 40 lb to 20 lb according to status; bishops, 30 lb; leading city councillors, 20 lb; ordinary councillors, along with tradesmen and (free) plebeians, 5 lb; itinerant monks (*circumcelliones*), 10 lb of silver. Other penalties prescribed, however, include repeated floggings by their masters for agricultural workers (*coloni*), along with a warning that slaves 'shall be recalled from the depraved religion by the admonition [*sic*] of their masters', unless the latter, even if Catholics, were prepared to incur the fines above.

These examples vividly illustrate the salience of hierarchical status relationships within society generally. The last, however, in the brutal treatment required of masters in regard to their agricultural workers and slaves, that is to those within their legal power and from whom they directly derived their livelihood and wealth, brings out a class dimension to the law. The example cited by Garnsey and Humfress, by contrast, only deals with uncontroversial status relationships within a fragment of a single class. It is as if in trying to demonstrate the irrelevance of class in understanding the social dynamics of pre-modern Japan, we cited, on the one hand, the no-less-minute and well-documented gradations of hierarchal status within the samurai order, descending from the shogun, down through the quasi-feudal lords, the *daimyō* (several grades), and lesser samurai (*hatamoto*, *gokenin*, etc.), coming eventually to the lowest grades of clerks, messengers, or security guards. But we failed, on the other, to consider the collective, exploitative economic relationship of the samurai order, considered as a *class*, to the peasantry from whom they derived a tributary income in rice, or their more problematic relationship to the theoretically even lower, but sometimes far richer, order of townsmen, as well as to the socially higher and more prestigious, but economically dependent, status group comprising the emperor and the court nobility.⁵¹

Finley also criticized what he saw as the imprecision of the concept of 'class': lumping together the 'richest senator and the non-working owner of a small

⁵¹ Beasley (1999), ch. 9, for the basic analysis and the problems these arrangements caused. Correctly, he describes the samurai as the ruling *class*.

pottery' in the same class.⁵² However, this argument is specious rather than false: from some perspectives, for example, in so far as they both owned their slaves, their labour, or their property, they *were* in the same class. Both were exploiters of the lower class, albeit on vastly different scales. Conversely, Elster argued, free labourers and slaves, Finley's other example, were *not* in the same class: slaves did *not* own their own labour power.⁵³ Such arguments, however, aim for a greater degree of theoretical precision than we need—or perhaps could obtain; Marx himself admitted the difficulty, which Weber sometimes also felt, of analysing antiquity in terms of either class or status concepts.⁵⁴ Our aim is rather to craft a model that is a working simplification of one society, albeit potentially more widely applicable. Indeed as Chapter 3 will show, the *fact* of exploitation is more important than the precise juridical status of an exploited individual; similarly we should not overstate the actual freedom of some nominally free labourers. More particularly, because in some contexts a class analysis may not be illuminating, we are not debarred from complementary analyses in terms of status or other categories.

As for Marx's own imprecise view of class, it is notorious that, despite famously asserting that 'the history of all hitherto existing society is the history of class struggles', he nowhere provides a definitive definition of this concept: he died before providing his projected 'last word'.⁵⁵ But that does not stop us using a working definition of our own. That of de Ste Croix builds on our earlier definition to provide a helpful working guide for late antiquity:

Class (essentially a relationship) is the collective social expression of the... way... exploitation is embodied in a social structure. By *exploitation* I mean the appropriation of part of the product of the labour of others... A *class*... is a group or persons in a community, identified by their position in the whole system of social production, defined above all according to their relationship (primarily in terms of the degree of ownership and control) to the conditions of production (that is to say, the means and labour of production) and to other classes.⁵⁶

If *exploitation* is at the core of class conflict, we can still employ the latter concept, as a tool of analysis even if any sense of 'class consciousness' or class organization is absent. Or even, one should add, without regarding all 'exploitation' in this technical sense as a moral evil. After all, without *some* taxation, for instance, many public services would be impossible—as Justinian saw fit to

⁵² Finley (1999), 49, 183.

⁵³ Elster (1985): chs. 4 (exploitation) and 6 (class) are fundamental to what follows.

⁵⁴ Elster (1985), 332–3.

⁵⁵ *Communist Manifesto*, i (1848), in Marx (1977). On Marx and class: de Ste Croix (1981), ch. 2; Elster (1985), ch. 6. Dahrendorf (1959), ch. 1, tried to (re)construct a coherent theory on the basis of references scattered throughout Marx's writings.

⁵⁶ De Ste Croix (1981), 43.

remind taxpayers at a time of great economic strain following the outbreak of the plague.⁵⁷

BUILDING THE MODEL 3: FURTHER PROBLEMS WITH 'CLASS'

The concept of 'exploitation', however, needs further clarification. We cannot, Elster argued, apply it *stricto sensu* to inter-class relations because it places all exploiters in one camp and all the exploited in another.⁵⁸ It is too broad, tending to divide society into two and thus fails to do justice to the social complexity it seeks to explain. Yes, *oversimplification* is undesirable, but simplification is of the essence of a *model*. Ricardo, for instance, produced a luminous model of the pre-industrial (British) political economy in terms of only three classes: landlords (deriving incomes from rent); tenant farmers (from profits); and labour (from wages).⁵⁹ Also in some—fundamental—cases a simple exploiter/exploited model is exactly right: in the case, for example, of master and slave, or landlord and tenant (even though the precise nature of the exploitation in any given case will depend on the institutions involved, including the status groups to which the various parties belong, and the legal conventions applying).⁶⁰

Elster argued further that, if class relations are interpreted in terms of *degrees* of exploitation, it leads to potentially infinite fragmentation of society into a stratified continuum of exploiters. His solution, again acceptable as a working assumption, is to posit that 'the central relationships between classes are the transfer of surplus from below' (that is from a lower class) 'and the exercise of *power* from above'. For this relationship 'exploitation' remains useful shorthand. It catches, for example, the relationship, say, between the sixth-century slave or *colonus* (of all varieties) and his landlord, employer, or tax collector—who could be the same person. Another virtue of the term is that, if 'history is better if it has a bite to it, an uncomfortable edge, a critical edge', then its use may help stop us falling into complacency as we review the social arrangements of Justinian's empire.⁶¹

⁵⁷ JN 149 (545). See Ch. 3.

⁵⁸ Marcone (1998), 339, also opposed lumping heterogeneous lower status groups together as a 'class'. He then spoils his argument by continuing: 'in order to define this lower class as a "class" in the Marxist sense, we need evidence of conflict with the upper class over the relations of production; such evidence is lacking'. But it is pervasive: see Ch. 3.

⁵⁹ Ricardo (1817).

⁶⁰ Rotman (2004), 161 ff. for relevant variables. See Ch. 3 for the complex and changing legal status of agricultural workers (*coloni*).

⁶¹ Wickham (2007), 36.

BUILDING THE MODEL 4: STATUS AND CLASS

We will not now lose our nerve when told that, like so many other major pre-industrial societies, imperial China, say, or Tokugawa Japan, the Roman Empire was a 'status', rather than a 'class', society. Status was deeply embedded in its legal structure: one book out of four of Justinian's *Institutes*, for instance, is devoted to the Law of Persons—that is, effectively of 'status'—even after Roman citizenship had become general.⁶² We shall remain relaxed when the claim is advanced that the richer, higher status groups owed their wealth to their position in the hierarchy, not the other way round—provided that we do not lose sight of the existence either of the diversity of the late Roman elite and the different routes of entry to it at this or indeed at other periods, or of elite groups distinct from the governing elite.⁶³ At the risk of oversimplification, wealth could secure entry to the elite, not least through the 'right' education; membership of the elite could secure wealth. In fact, we can, and should, consider the empire in terms of *both* sets of variables, thereby exploiting Weber's distinction between classes

Which are stratified according to their relations to the production and acquisition of goods, . . . [and] status groups [which] are classified according to the principles of their consumption of goods as represented by special styles of life.⁶⁴

We should also robustly defend our position that, where the economic, exploitative (power) relationship is basic to understanding our society, then a class analysis is appropriate. This holds even though there is a high, but not perfect, correlation between class and status group membership in sixth-century society. There are, however, two provisos: first, that we do *not* regard all social conflict as primarily economic; second, when economic interests play *some* role, we do not automatically conclude that it is necessarily the *central* one. We should also accept that there are grey areas where the search for excessive precision will be counterproductive. Weber himself, for instance, is quite clear that 'status' and 'class' can often be closely correlated, with the former depending on the latter, though not absolutely.⁶⁵

The distinction between 'authoritative' and 'allocative' power makes this clearer.⁶⁶ Part of the motivation for Giddens's distinction was to catch the separation between these domains in modern, capitalist society, where economic and political power are distinct, at least to the degree that coercive force is rarely applied in economic relations, in the workplace for example, and

⁶² Crook (1967), ch. 2 explains this in respect of Gaius' *Institutes*. The analysis also applies to the 6th cent.

⁶³ A distinction drawn in both Wickham (2007) and Haldon (2009a).

⁶⁴ Weber (1978a), ii. 932.

⁶⁵ Weber (1978a), ii. 926–40 for the complexities of status-class relationships.

⁶⁶ Giddens (1995), esp. ch. 2.

where the worlds of business and government are, to a degree, separate. This was not so, he argues persuasively, in pre-capitalist societies where these two types of domination were generally united in a single ruling class. He accordingly reserves the term 'class society' for (modern) capitalist society and prefers to call pre-capitalist societies 'class divided society'. This linguistic distinction we can ignore, but it shows that it may be hard, except conceptually, to separate out the two kinds of domination in a world where, say, the Apions were, in *status* terms, near the pinnacle of the empire in Constantinople, but also, in exploiting their slaves and *coloni* back in Egypt and elsewhere, prominent members of the dominant economic *class*.⁶⁷ On the other hand, the kind of class analysis employed here—simplistic, if applied to modern Western polities which are socially, economically, and institutionally far more complex, also far richer, and where the dominant 'class' are often less the owners of capital, the stockholders, than the upper reaches of management—fits well the less complex, but more overtly exploitative and unequal, political economies of late antiquity.

EXTRA TOOLS

Analysis in class—or status—terms alone, however, would miss important features of conflict in our period. We shall, therefore, later add to our toolkit:

- The theory of *group processes*, drawn from the discipline of social psychology; and,
- *Economic theory*.

The former we will develop, in Chapter 4, in relation to factional and religious conflict. The latter is employed in the restricted sense in which the political scientist S. E. Finer applied to the late Roman Empire ideas taken from Hirschman's theory of the firm.⁶⁸ The theory is simple, but useful in understanding individual (or group) actors' responses to the decisions, policies, or products of an institutional third party.⁶⁹ In its 'pure' economic form, the theory sees 'customers' having three basic responses to 'firms' (for us, by extension, political, or religious institutions, the emperor, provincial authorities, and

⁶⁷ In *status* terms, *PLRE* iiiA: Fl. Strategius Apion Strategius Apion 3 *comes domesticorum* 539, *cos.* 539, *patricius*, or Flavius Apion 4 *hon. cos.* *patricius*. In *class* terms: Banaji (2007), ch. 6, esp. p. 141 shows the difficulty of trying to separate the economic and political dimensions of elite power in this society.

⁶⁸ Hirschman (1970); Finer (1997), i. 596–9.

⁶⁹ Hirschman intended his analysis also to be applied to political and other behaviours not normally associated with economics: e.g. to US Government policy and policymakers during the Vietnam War.

notables (*potentes*)): *loyalty*, *exit*, or *voice*. By *voice*, Hirschman means 'customers' can express their views in the hope that the firm (or institution) will respond positively—acclamations in the theatre or hippodrome would be a paradigm late antique case, though 'money talked' loudly, as did traditional networking. By *loyalty* is meant no more than that the 'consumer', or subject, continues to buy the product, or just accept the situation. Finally, by *exit*, he means that the 'customer' can walk away or the dissatisfied individual—or group⁷⁰—can, for example, depending on status or means, leave his city or farm, legally or not, to join the civil service or army, withdraw to a monastery or hermitage, drift to the cities, become a brigand—or even create a 'rival product', as did religious schismatics such as the Miaphysites. *In extremis*, they can rebel. All this reminds us that social 'safety valves' existed, with potential for reducing conflict.

We have now loaded enough equipment to start to follow Aristotle in 'examining the cause of conflicts in states'.⁷¹ We shall begin by examining conflict at the core of the late antique political economy, in agriculture. In doing so, we shall remain conscious, like Paul Veyne in the epigraph to this chapter, that there is no one right way of doing history.

⁷⁰ e.g. a village seeking a new patron: de Zulueta (1906), for examples.

⁷¹ *Politics*, 1301a.

Part II

Three Major Conflicts: in Agriculture, the Factions, and the Churches

Social Conflict in Countryside and Town

Cui bono? Who benefits?

M. Tullius Cicero

Kmo kozo? Who does what to whom?

V. I. Lenin

SECTION 1—INTERPRETING THE EVIDENCE

Conflicts of evidence

This chapter is about how power operated in the late Roman agricultural economy of the sixth century. It starts by using concepts of ‘class’ and ‘status’ to make sense of slippery archaeological and legal evidence, while questioning more euphoric assessments of sixth-century prosperity. For, at the turn of the millennium, scholarship was coming round to stress the prosperity of late antiquity. Bryan Ward-Perkins caught the prevailing mood well:

In 1964, A. H. M. Jones published his . . . survey of the Later Roman Empire. His vision of the period was imposing, but . . . bleak, dominated by a mighty state that weighed heavily on its subjects. More recent research, by both historians and archaeologists, has painted the period in much lighter tones, emphasizing in particular dynamic change rather than suffocating rigidity.¹

Yet qualifications to this sunnier assessment soon emerged. In 2009 Michael Decker could write exuberantly of the ‘efflorescence’ of the late antique economy in the Eastern Mediterranean, of its growth, of its complex trading patterns with links across Asia to the Atlantic—at least until the Justinianic plague of 542. Yet even he concedes that ‘like most pre-industrial people, those

¹ Ward-Perkins (2001), ch. 8, evaluating an archaeological conference whose papers illustrate these tendencies. See also his own ‘overview’ in *CAH* xiv (2000), chs. 12 and 13.

in late antiquity lived on the razor's edge of hunger'. He also sees landlords as traditionally profiting from seasonal variation in the grain supply: ideally selling in the early spring, before the harvest when others' stocks will be low, when profits will be at their highest—and the shortages most painful for the poorer members of society less able to pay the higher prices then prevailing. More specifically, the transition to the Early Middle Ages, in terms of a decline in urbanism, as well as apparently targeted attacks on the holdings of the Roman landowning classes after the Gothic rising of 378, now seem to have begun from the fifth, even fourth, century onwards on the Lower Danube—partly in response to invasion and the settlement of new peoples from north of the river.² This contrasts with, say, Anatolia, where such urban decay did not begin for another century at least, although the once-great metropolis of Ephesus was not prospering, even before its early seventh-century collapse. The Levant was still modestly flourishing in the seventh, even eighth, centuries. Our sixth century, therefore, will be on balance one of less universal affluence, greater inequality, and of more exploitative, though varied, social relationships.

But the situation seems neither everywhere worse than under the principate, nor does it exclude economic growth, even up to the sixth century and beyond, notably in Syria. There were also marked variations between different parts of the empire.³ In particular, the economic situation in its former Western half, where long-distance trade networks and large-scale specialist manufacture were breaking down, was far worse; worst of all in Britain, where living standards fell to Bronze Age levels.⁴ However, wide-ranging generalizations about the political economy are problematic: there remains an apparent conflict between generally gloomy literary evidence and increasingly abundant archaeological reports, with the latter mostly portraying a relatively dense and prosperous agricultural population still embedded, in the East, in a complex empire-wide economy. 'This apparent contradiction at the heart of our historical problem' has long been recognized.⁵ But the political economy is central to social conflict; we cannot ignore it.

² For the Balkans, Poulter (2007), 1–48, shows regional variations there, plus the gaps in our understanding. Goths helped by Roman defectors: *Amm. Marc.*, *RG* 31.6.4–7.

³ Duncan-Jones (1994), 5, emphasizes continuity throughout the earlier and later empire. Laiou and Morrison (2007), esp. ch. 2, for an overview of 6th–8th-cent. Byzantine economy. The syntheses of evidence for the wider late antique economy in Wickham (2005, 2009) and Whitton (2009) are invaluable, also Haldon (2009a). But see now Decker (2009), from whom the quotation is taken (p. 80), and for marketing of grain (p. 81), where he also cites earlier and later Roman technical agricultural materials, notably the 10th-cent. *Geoponica*.

⁴ Ward-Perkins (2005), 122–4, for Britain; his ch. 5 for the impoverishment of the former empire more generally.

⁵ Patlagean (1977), 237.

The archaeological evidence and its ambiguities

Being neither archaeologist nor papyrologist, I depend on those who are. Happily, their recent work permits some generalization.⁶ As with most other pre-industrial states, the economy was overwhelmingly agricultural, although long-distance maritime trade, for example, in ceramics, wine, oil, and the shipping of tributary corn to Constantinople, chiefly from Egypt, remained important. Reliable statistics there are not, but comparisons with other sophisticated pre-industrial economies suggest that some 80–90 per cent of the population worked the land, even allowing for large cities like Constantinople, Antioch, or Alexandria, with, possibly, an urbanized population in Egypt of up to 30 per cent.⁷

Statistical evidence for estimating how far agriculture financed the empire, by rents or taxation, is also unsatisfactory.⁸ We fall back on unquantified generalities. The most important is that agriculture created (most of) the wealth that financed the state and its ruling classes, although the ‘statistical’ comparison Jones used to demonstrate that the ratio of tax revenue from agriculture compared to that on trade and industry was of the order of 20:1 will not work.⁹ But his general conclusion remains sound: customs duties, the donative and the *collatio* apart, the empire was financed, directly or indirectly, from the taxation of agriculture. On some estimates, this represented more than 70 per cent of the land’s yield.¹⁰ But qualification is again in order: the importance of trade and monetarization—as well as banking and bankers—in the economy, suggests that customs and market duties were more important than Jones’s dismissal of them as ‘vexatious’ suggests. For instance, the penalty set by Anastasius (c.490)—50 lb of gold, equivalent to 3,600 *solidi*—to be exacted by the ‘count of the Narrows’ (*comes ton stenon*) for violation of

⁶ Archaeology: Ward-Perkins, see n. 1. Papyrology: Banaji (2007); Sarris (2004, 2006, 2009a and b). Wickham (2005, 2009) for synthesis.

⁷ Ward-Perkins’s estimate (2000b), 367, based on comparative data from medieval England. For Egypt, Wickham (2005).

⁸ Statistical weakness: see Ch. 1 and Garnsey and Saller (1987), ch. 3, with reference to Jones, cited below.

⁹ Jones (1964), 465. The ratio was based on an invalid comparison of the return of the so-called urban ‘trade tax’ (*collatio lustralis*) from 4th-cent. Edessa, with land-tax returns from two districts in 6th-cent. Egypt. It also included taxes on usurers and prostitutes, which were included in the *collatio*, but omits tolls, sales taxes, and customs dues.

¹⁰ Jones (1964), 464, 769. Hendy (1989) supposes that, notwithstanding low productivity, some 25–33% of the agricultural yield of the empire was creamed in taxes. By contrast, Wickham (2005) argues that as little as 25–30% was sometimes left to the peasantry. Decker (2009), esp. ch. 3, is frank about the dearth of relevant data from the prefecture of Oriens, his main area of interest—all the more plausibly as he has so much of detail to say about agriculture more generally.



Fig. 3.1 Peasants at work, late sixth/early seventh century, Great Palace mosaic, Constantinople (from Talbot-Rice 1958).

customs regulations at Abydos on the Dardanelles, suggests large sums could be involved.¹¹

On the other hand, the abolition of the *collatio lustralis*, a quinquennial tax of gold and silver on merchants of all kinds, by Anastasius in 498/9 was offset 'from his private resources' (*ek ton idion*)—imperial generosity at the expense, most probably, of his own agricultural workforce.¹² Justinian also introduced a *supplement* to the land tax, the *aerikon*,¹³ which, we are told, yielded 30,000 lb of gold. There was, additionally, the burden imposed by rents—plus payments to officials, both legal and extortionate, of various kinds mentioned in the *Codes*.¹⁴ In short, the achievements of the Justinianic age—*plus* the incomes of the bureaucracy, army, and landowning classes

¹¹ Jones (1964), 825–6. The *vectigalia* were worth farming; Jones (1964), 429–30, with refs. to C.J. Durlat and Guillou (1984) for Anastasius.

¹² C.J. 11.1; Mal. 398. (C.J. 12.2.2 for the abolition by Marcian of the Constantinian tax on senators, the *collatio glebalis*, presumably also ultimately funded by his own tenantry.) C.J. 10.27.2 (Anastasius) refers to the application of compulsory purchase (*sunone/coemptio*), at government set rates, to town merchants as well as farmers, but this was avowedly exceptional. Jones (1964) for details on taxation more generally.

¹³ SH 21.1–2.

¹⁴ Kelly (2004), esp. chs. 1, 2, 4, for invaluable detail on the payments which permeated almost every official transaction.

generally, including clerics—rested ultimately overwhelmingly on the rural labour shown in the early seventh-century mosaic pavement from the Great Palace in Istanbul, one portion of which is shown in Fig. 3.1.¹⁵ On these lower classes, the tax burden fell disproportionately. The fiscal system, both legitimate and illegitimate, was regressive; higher social groupings (*honorati*, etc.), when not actually exempt, were certainly better placed to evade or avoid taxation. ‘We don’t pay taxes. Only the little people pay taxes’¹⁶ is a maxim that would have commended itself to many of the Justinianic upper classes.

Generalizations about what living standards this agricultural labour sustained are harder still. And the idea that the economy of late antiquity was characterized by *universal* decline and rigidity is long since dead. There is even evidence of increasing levels of general prosperity and economic complexity in Syria, Egypt, and in parts of the Balkans, up to the mid-sixth century, and up to the seventh century and beyond in lands that came under Arab rule. This reflects the more ‘positive’ archaeological evidence now surfacing. It brings out the vitality of its monetary economy,¹⁷ with the abundance—though less so in south-west Asia Minor—of small-denomination coins throughout the Eastern provinces up to 600 and beyond, suggesting prosperity and the absence of recession; the Mediterranean-wide trade in fine pottery further evidencing wealth, and the levels of demand and the trading networks this presupposes; intense building activity in the Levant up into the early seventh century; the presence of luxury goods, including sometimes precisely datable silverware; the ability of Edessa to satisfy Persian rapacity; or, for Anatolia, the various rich ‘heretical’ communities whose assets Justinian sequestered more than once throughout our period.¹⁸ The *Life of St Symeon the Fool*, dated variously to the reign of Justinian or the later sixth century more generally, provides literary corroboration of one (perhaps typical?) vibrant urban community, Emesa (mod. Homs) in Syria.

Other recent surveys highlight the linkage between the density and prosperity of some rural settlements and the spread of archaeologically documented artefacts, suggesting that the prosperity resulted from a rise in specialized production and exchange, possibly—at least before the plague—in population also.¹⁹ We can now also go beyond the evidence of pottery in, for instance, the discovery of facilities for wine production exceeding local

¹⁵ In Talbot-Rice (1958), pl. 47; Jobst et al. (1997) for other examples. Bardill (2004), 136, argues, on the basis of brick dating from below the mosaic, for a period between Maurice (r. 582–602) and Heraclius (r. 610–41).

¹⁶ Leona Helmsley, quoted by a former housekeeper, at her New York trial for tax evasion (1989).

¹⁷ Whittow (1996), 53–66 with bibliography. Whittow (1990), for the vitality and prosperity of urban life; Whittow (2009) is, however, less sanguine.

¹⁸ SH 11.14ff.

¹⁹ Foss (1995); also Decker (2009).

requirements in Syria and the Negev, while trading patterns suggest a degree and complexity of trade beyond that attributable to government activity alone.²⁰ There remain continuities in coinage and ceramics throughout the century.

Yet the positive is increasingly offset—even beyond the damage repeatedly caused, as in Antioch, for instance, by Persians, or elsewhere by Avars, Goths, or Huns, earthquakes or plague—by contraindications of *some* economic contraction and decline. Much of our evidence is undatable, for the present at least. Conclusions are correspondingly tentative. But we can observe the multi-occupation of former great houses in Hierapolis, Sardis, Ephesus, and Antioch. By the early seventh century, the once glorious city of Aphrodisias in Caria had apparently been reduced to ‘an abandoned ghost town, peopled only by its marble statues’.²¹ We can also now add evidence from the meticulous excavations in Sagalassos, as also in Cyrene, for apparent urban contraction, settlement nucleation, and possible depopulation; Foss has concluded—at least for the time being—that public building had come to a stop, especially in southern and western Asia Minor, in the seventh century, while noting such other evidence of stagnation as the contraction of urban sites and the virtual disappearance of copper coinage.

Others have also noted that the ‘transition to late antiquity’ came as early as the fourth century in parts of the northern Balkans, with the depredations of the Goths in the fourth and of the Huns in the fifth representing a transition to the Byzantine Middle Ages, much earlier than in Asia Minor. The sixth-century elite are harder to find than those of the fifth. More generally, outside parts of the Levant and Egypt, there seems no area of the Eastern realm that had not experienced, by the end of the seventh century, severe economic decline. Nor does this résumé register the effects of the permanent seventh-century Arab conquests of the Levant and Egypt and, with them, the estimated loss both of up to three-quarters of the imperial revenue and of the Egypt-supplied corn dole in the capital, whose population shrank dramatically as a result. Beyond that, generalizations are perilous: the evidence remains, as the literature repeatedly stresses, ambiguous, and always open to revision.²²

²⁰ Papers in Kingsley and Decker (2001). Note the emphasis on dense trade links, within a vibrant wider economy, in Horden and Purcell (2000). The regional surveys in *CAH* xiv make similar points. See also the collections of papers on late antique archaeology in Lavan and Bowden (2003) and Bowden et al. (2004); Lavan (2001a) on the city; Duncan-Jones (1994). More recently, Holum (2005) and Haldon (2009a) review the evidence on issues raised in this chapter. Ward-Perkins (2005) emphasizes both the technical skills and the associated specialisation made possible by mass production and trade before ‘things fell apart’. Also *EHB* (= Laiou 2002), ch. 6.

²¹ Ward-Perkins (2005), 126. Yet Scythopolis, in NE Palestine, prospered until destroyed by an earthquake, when under Umayyad rule, in 649.

²² Reflecting Whittow in Lavan (2001a), 137–53, who reviews developments ‘post-Foss’ (1977, 1979, 1995, and 1997); and now again (2009). Sagalassos: Vanhaverbeke et al. (2004).

A related problem in interpreting our evidence is a widespread unexamined assumption that high taxation and poverty are necessarily linked. Hence by demonstrating greater aggregate prosperity, one shows that late antique society was somehow less oppressive. However, in peasant economies, where underemployment is normal, taxation can, like population pressure, *stimulate* production: by encouraging more intensive cultivation either of existing land, or of marginal land in order to satisfy the tax (or rent) collector or simply to feed growing populations.²³ (The gold coinage provided a similar stimulus.²⁴) The archaeological evidence demonstrates marginal land *was* cultivated in this period, in northern Syria certainly, as never before or often afterwards. When walking to the monastery of St Symeon Stylites the Younger on Semaandağ (Mt Symeon), south-east of Antioch, in 2001, I was struck by the traces of extensive, seemingly long-abandoned terraced cultivation on steep mountain-sides, only rarely punctuated by signs of modern agriculture, even in less unwelcoming, adjacent valley land. Unfortunately archaeology does not usually reveal why this ~~should~~ be so, even when the terraces were created or abandoned, any more than it tells us who was a tenant or who a landowner, large or small.²⁵ Archaeologists frankly admit how hard it can be to infer social relationships from artefacts, or to interpret the wider significance of a particular find or set of finds.²⁶ For example, the discovery of (copper) coin hoards once seen as evidence of a thriving monetary economy and regional exchange networks is construed by Banaji as evidence of poverty: their value is so small relative to gold that only the really poor, he argues, would trouble to hoard it!²⁷ They stress how much we still do not know; how current assessments may need revision after future surveys. For example, Tchalenko's view of the Limestone Massif of northern Syria as an area of olive monoculture for export has been reinterpreted as one of more diversified cultivation, linked more narrowly to the cities of that region.²⁸ Moreover, the absence—so far—of coins of the reigns of Anastasius and Justinian could make the Syrian village of

Cyrene: Kingsley and Decker (2001), 101; Balkans: Whitby (2000b), 701–21, and again Whittow and others in Poulter (2007).

²³ As Hopkins argued—most recently, in Hopkins (2002).

²⁴ See subsection 'The importance of the gold coinage'.

²⁵ Syrian prosperity: Kennedy (2000). Population pressure might partly explain intense cultivation, although the more importance one attaches to the impact of the plague—see esp. n. 166—the less attractive this explanation becomes. Ownership unclear: Tchalenko (1953–8), vol. i, ch. 5, esp. pp. 377–438. Tate (1992).

²⁶ On interpretation: e.g. Ward-Perkins (2000b and 2001); other contributors to *CAH* xiv (Roueché, Kennedy); also Averil Cameron (1993), 152–7; contributors to Lavan and Bowden (2003), esp. Sodini, 25–56.

²⁷ Ward-Perkins (2000b), 352; Banaji (2007), 77.

²⁸ Tate (1992).

Déhès weaker evidence for the continuing prosperity of the Massif region in the mid-sixth century than once supposed.²⁹

Such examples show the dangers in over-interpretation. They are compounded by, first, the argument that, within the 'micro-ecologies' that constitute the Mediterranean region, we see regular patterns of *localized* decline, offset by growth elsewhere in response to changing environmental and economic conditions; this warns us against focusing exclusively on one or the other.³⁰ Second, evidence of wealth and prosperity must not obscure that about its distribution. It is misleading to concentrate, for instance, on the splendour of some surviving houses, churches, and monasteries in the Limestone Massif, notably at Sergilla, while overlooking the less photogenic workers' hovels (*cahutes ouvrières*) and the poorer villages surrounding them, as in Behyo, illustrated in Map 3.1.³¹ Even the grander dwellings in Sergilla have their inconveniences: animals lodged on the ground floor, few private latrines, baths, or separate kitchens.³² When such qualifications are ignored or insufficient attention is paid 'to the overwhelming weight of the evidence [which] goes to show that the gap between the rich and the poor widened' throughout late antiquity or the spectacular wealth of the upper classes, we lose our grip on the dynamics of the society.³³ There is no contradiction between identifying general growth in the prosperity of a society, or admiring the quality of its luxury goods, its trading networks, or even its diversity—not, for instance, seeing a universal triumph, rather the increase of great estates everywhere—while observing rising inequality and oppression within it, which thereby increased social tensions and potential for conflict.

Jones's scenario needs modification, therefore, along with older views which portray the late empire as sinking into an autarkic 'natural economy'.³⁴ But this newer evidence does not justify a more optimistic 'post-Jonesian' grand narrative: it is too general, takes too little account of local variations, and underplays the difficulty in interpreting the diverse archaeological material; it tends to write out or underplay those gloomier elements in the literary tradition that remain persuasive; it makes hidden assumptions about factors underlying the perceived general prosperity; it focuses more on the winners

²⁹ Fig. 14 in Ward-Perkins (2000b), 352–6, for coin finds by reign.

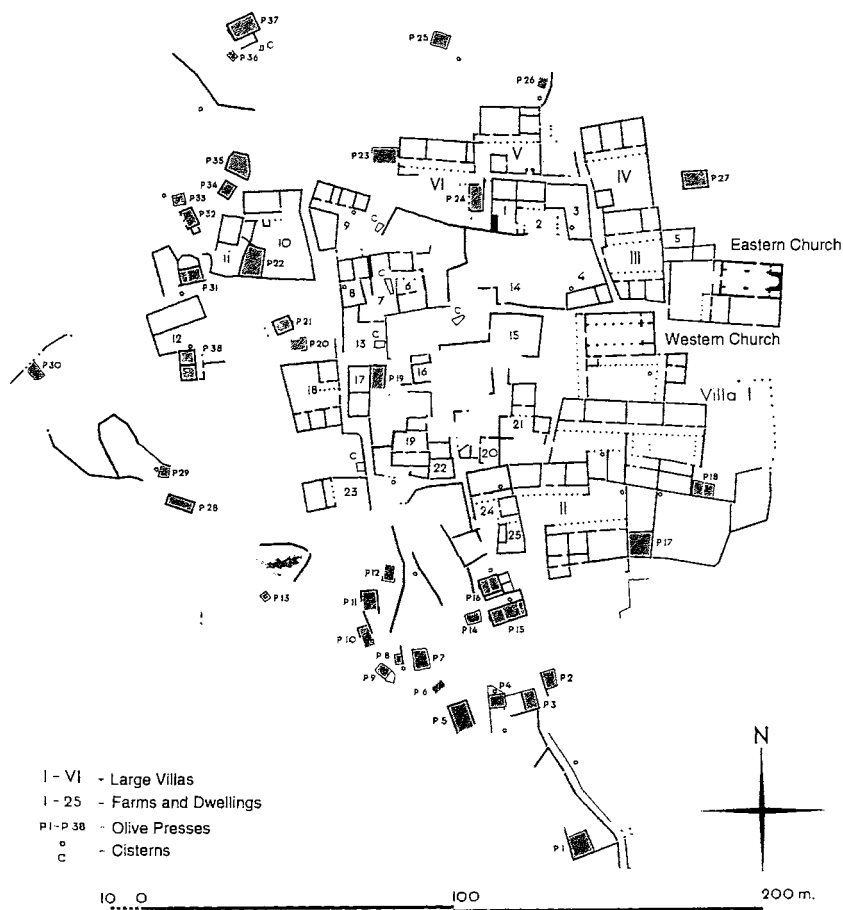
³⁰ Horden and Purcell (2000), *passim*.

³¹ Tchalenko (1953–8), vol. i, ch. 5, for a more nuanced account of economic differentials than one might infer from some who cite him, and who well repays rereading. While for him villages like Behyo were dominated by (relatively) rich proprietors, these were on a much smaller scale than we find in much of Egypt. There also seems no trace of the 'bipartite estate', although some of the smaller cottages *could* have been occupied by *coloni*. Much of the work, on the olive harvest was apparently carried out by itinerant seasonal labour.

³² Foss (2002a), 91–2. Also Liebeschuetz (2001b), 71.

³³ De Ste Croix (1981), 120, with evidence; also Whittaker and Garnsey (1998), 299. For (some of) that evidence: Banaji (2007), ch. 8; Sarris (2006), esp. ch. 11.

³⁴ As in Max Weber (1978a), on whom Banaji (2007).



Map 3.1 (a) Map and (b) photograph of Behyo, a late antique village in the Limestone Massif, Syria, adapted from Tchalenko (1953-8), vol. ii. The photograph looks towards the Western church across the houses of the poor.

than the losers. More fundamentally, the archaeological evidence says little about the *fragility* of prosperity for individuals (even whole communities), *perceptions* of well-being on the part of those individuals, or the *relations of production* in the countryside.³⁵

Archaeological evidence in context—the case of Edessa

The literary and archaeological evidence for sixth-century Edessa (mod. Urfa, in south-east Turkey) sets such generalities in context. The city was ‘immensely rich’.³⁶ It was the capital of the province of Osrhoene, and one of the centres of Syriac culture endowed, for instance, with stunning mosaics, including one of Prometheus assisting in the creation of the human race, supervised by a range of Pagan deities, all named in Syriac.³⁷ Yet over thirty churches are also known by name; we have records of substantial charitable and public works, as well as of churches, built by governors and bishops between 458 and 603³⁸—the same churches which furnished the Persian invaders with 112,000 lb of silver in the seventh century and made large payments later.³⁹ This last payment, like other silver hoards found in the area, could be evidence of the city’s ability to restore its losses quickly, thereby supporting a wider thesis about continuing prosperity and economic dynamism in (that region of) the empire.⁴⁰ The surrounding areas, archaeological surveys suggest, were densely settled from the fourth to at least the sixth century, possibly reflecting military activity before the sixth- and seventh-century wars with Persia.⁴¹

But again qualification is needed. Our figures say nothing about the distribution of wealth or the wider quality of civic life. All we (think we) know is that the Edessene churches, and especially the cathedral of Hagia Sophia, repaired by Justinian after a flood, had apparently accumulated much silver, and that the Persians could return for more. But that does not prove high levels of current economic activity: the silver of the churches was, like the buried treasure of the pharaohs, economically inert. Evidence of accumulation no more proves wider current prosperity than Heraclius’ pledge to pay the

³⁵ For economic etc. fragility, e.g. Brown (2002); for angst, Meier (2003). For relations of production, Sarris (2006); Haldon (2009a).

³⁶ Wickham (2005), 240, here simply reflecting ancient sources.

³⁷ Reproduced in Bowersock (2006), 37–8.

³⁸ *Chron. of Edessa (Chron. Edessenum)*, in *Chron. Minora*, ed. I. Guidi, CSCO (Paris, 1903); Michael the Syrian, *Chron.* 2.373. Segal (1970).

³⁹ = 7,778 lb of gold, more than 560,000 *solidi*: Hendy (1985), 480, table 16. *CJ* 10.78.1. *West Syrian Chronicles* 133–4.

⁴⁰ Whittow (1996), 64, and (1990), reinforced by dating of Kaper Koraon silverware from 540 to 640: M. C. M. Mango (1986), ch. 2; Alchermes (2005).

⁴¹ Wilkinson (1990), also Averil Cameron (1993), 163, for the wider evidential issues, and on Edessa.

Avars an annual subsidy of (allegedly) 200,000 gold *solidi* from church holdings in 623 proves the seventh-century empire was flourishing—though it suggests a very unequal distribution of wealth in the city.⁴² Nor can we uncritically assume that what the Persians first took was replaced, as opposed to being fruits of earlier accumulation, conveniently ‘discovered’ when they arrived in later raids.

How far we can generalize from the case of this or any other single city is debatable. One might expect the church of Antioch to be at least as wealthy. Yet Severus, patriarch from 512 to 518, laments that ‘the holy church here, having been laden with many debts by him who was rejected [sc. his predecessor, Flavian], does not allow me to show munificence or liberality, even in urgent matters’.⁴³ His surviving correspondence, moreover, gives little sign of the patriarch acting as the protector of the poor. Notwithstanding Flavian’s alleged mismanagement, and assuming the patriarch is telling the truth, we should rather regard the see’s comparative poverty as the result of earlier communal violence in the city, Persian occupation (and subsequent ransoms), and natural disasters—of a kind that would not just have affected the one city. In the same way, later in the century, further disasters in the city were apparently matched by stagnation in the countryside.⁴⁴

More illuminating is Ps.-Joshua’s detailed ‘narrative of the period of distress which occurred in Edessa, Amida and all Mesopotamia’—his own title, which he wrote close to the events he describes between 494 and 506. Of these, the most directly relevant is his account of the plague of locusts and the ruinous famine they caused from 499 to 502.⁴⁵ This highly circumstantial but restrained account—which even records the spiralling price of bread as the famine set in—reveals the appalling sufferings of the local peasantry, of whom increasing numbers came to die on the wintry streets of the ‘immensely wealthy’ city. He reports the apparently energetic efforts of, first, the bishop, then the governor to persuade the emperor to waive taxes. In the event, Anastasius gave the latter a substantial, though still inadequate, sum of money, which followed a similarly insufficient tax remission secured by the bishop. Back in Edessa, the governor also converted the winter bathhouse into a temporary shelter for ‘immigrant’ peasants, blocking its porticos and putting down straw and matting; soldiers looked after more, as did monks. But it was not enough. Our chronicler also notes the governor’s difficulty in inducing

⁴² *Chron. Paschale* 7.13. See Whitby *ad loc.*

⁴³ Severus, *SL* 1.35; see also 1.4. Cf., however, Theodoret’s bridge building and aqueduct repair, or the pro-Chalcedonian Julian’s building of a church in Bostra in the same general area at the same period. This shows that some other church leaders either had greater resources, or were simply more willing to spend on public works. I am grateful to James George for these last examples.

⁴⁴ Devreese (1945); Foss (1997).

⁴⁵ Ps.-Joshua, *Chron.* 36–44, on which the TTH (2000) edn.’s notes are helpful.

local landlords to pay their taxes.⁴⁶ But, notwithstanding the efforts of the bishop and governor, we hear nothing about employing in famine relief any of those 112,000 lb of silver awaiting the later arrival of the Persians. We do learn, however, that the rich and local notables did not die of starvation. But nothing is said of any financial generosity on their part, although they clearly had the cash to buy bread even at inflated prices. However, unlike the rich in nearby Amida (or Antioch in the fourth, or Caesarea in the sixth century), they at least do not seem to have been hoarding grain on a significant scale during the famine.⁴⁷ Their turn to die miserably came in the ensuing pestilence.

In short, we cannot take either the positive—or the negative—economic evidence out of its social context. Nor, if we are to understand the roots of social conflict in the countryside, including country people's resentment of the cities and of the landowning classes based there, can we dismiss the abundantly attested greater vulnerability of agricultural workers—to famines, climatic extremes, poor harvests, locusts, disease, even plague, let alone the evidence of poor diet, early mortality, economic exploitation, and invasion—as mere 'truisms applicable to every other pre-industrial society in the Near East'.⁴⁸ They constitute (some of) the 114 'catastrophes', between 500 and 565, whose cumulative psychological impact later in the century may have induced 'mass-hysteria' in Amida (mod. Diyarbakır) and elsewhere in 560/1.⁴⁹ It is equally unjustified to talk in unqualified terms of, say, the prosperity of sixth-century Syria when its greatest city—the third greatest of the empire—was smashed by repeated earthquakes and conquest (on whose traumatic impact Procopius is eloquent);⁵⁰ when many of its inhabitants were deported to Mesopotamia; in whose hinterland landowners continued to harass tenants and their families; and where the rich dragged the poor into court in irons. All this happened in a city where the existence of beggars led the patriarch Severus to call for charity in the style of John Chrysostom in the same city over a century earlier.⁵¹ Such disasters were not only the stuff of life (and death) for most people in the empire—and the frame for the conflicts of our

⁴⁶ Although, given their tenants' plight, their rental income may have made this difficult. Cf. the adverse financial impact on the Caesarea elite in Palestine of the destruction of their Samaritan tenantry: *SH* 11.24–30.

⁴⁷ Ps.-Zacharias, *EH* 7.3.

⁴⁸ Whittow (1996), 53–5. Also Patlagean (1977), esp. chs. 2–3 for the wider, dire consequences of poverty. Horden and Purcell (2000). Osborne (1987), ch. 2, illustrates, from modern Greek data, the effects of even minor variations in rainfall over small geographical areas. A smallholder with only a single plot can be wiped out in an otherwise prosperous area. A larger landowner, but with scattered properties, is better insured against the local or provincial variations in the Mediterranean climate. A single integrated large estate could be a liability.

⁴⁹ 'Katastrophen', as itemized by Meier (2003), Anhang, 669. For Amida, Stathakopoulos (2003) suggests ergotism as an alternative, scarcely more joyful, explanation of the locals' bizarre behaviour.

⁵⁰ *Wars* 2.10.

⁵¹ Severus, *Hom.* 19, 23.

period—they also constrained the productivity of the economy as a whole and its tax base.

A modern analogy helps us visualize the situation in late antiquity, and put expressions like 'rich' and 'prosperous' into context when talking of pre-industrial societies, including Rome. Many emerging countries in sub-Saharan Africa have much in common with pre-industrial late (and earlier) antiquity: little or no industry; striking contrasts between town and country; sharp divisions between educated elites and an often illiterate peasantry (who may not even speak the elite language); multi-ethnic populations; attitudes to administration and law often better understood in the context of constantly modifying networks of power and influence or in terms of seeking or repaying favours. Take Ghana, where I taught in the late sixties, one of the most successful new African states, and an earthly paradise compared with Northern Ireland, where I went to work during 'the Troubles', or, more recently, such neighbours as the Ivory Coast, Sierra Leone, or Liberia. It enjoyed a vibrant, sophisticated, ~~and~~ 'traditional' African market economy, as well as an exportable cash crop, cocoa, which rendered it—subject to fluctuating world commodity prices—vastly more prosperous than, say, neighbouring Upper Volta (now Burkina Faso), a subsistence economy whose chief export was labour to its 'rich' southern neighbour. Yet in my village, in the (relatively) prosperous coastal region, one speedily got used to seeing malnourished children (though actual starvation was unknown), the deaths of colleagues' babies, students collapsing in class with malaria, refuse in the streets, and vultures on the rubbish dumps (though the birds generously helped to clear these up, unpaid). In Accra, the capital, you could not but notice the Mercedes-Benz of the elite—and lepers waving their stumps as they begged in the lorry parks. If you want a 'feel' for late antiquity, whether in socio-economic or, I shall suggest later, in religious terms, think modern Africa—rather as David Hume argued that the way to study the Greeks and the Romans was to study the French and the English.

Interpreting the legal evidence

It is scarcely easier to get a grip on conflicts on the land through the law, supplemented by the papyri. Not least because the relation between the law and what people actually did is, as for many pre-modern and indeed contemporary societies, obscure. Agricultural labour (like landlords) came in many varieties: from independent smallholders, free tenants on various kinds of leases, *coloni*—whether as labour tied to their masters' estates or tenants, wage labourers of various types, and slaves—and free smallholders. It remains hard, if not impossible, to generalize about their relative proportions and distribution across the empire (and still more over late antiquity as a whole); the terms

of their contracts or leases, where known, are various. The legal language, like the theology of the period, is far from perspicuous. A similar variety can be observed in the large rural estates of the period, of which Egypt, thanks to its papyri, provides the best examples—though the impression gained even from a single region there is far from uniform. ‘Much more work is needed before we can have the more balanced picture we need.’⁵²

Happily, that work goes on. On the law, for example, much of what passes in the textbooks as Justinian’s reforms of public administration in the 530s and later is primarily about agriculture: so much is concerned, directly or indirectly, with taxation of the land, acute problems of public order that made tax more difficult to collect, and associated extortion by officials and landowners—for all of which the lower classes bore the brunt, and which revealed serious structural weaknesses in an empire which, for all its elaborate bureaucracy and legalism, was far from a ‘modern’ state. Moreover, quarrels within the governing classes, including within the administration itself, as over the division of ‘tribute’, constitute an important type of intra-class conflict. This emerges most clearly from *Edict* 13 (539) on Egypt, whose main concern was the siphoning-off by its own officials—including those with local roots—of tax revenue owing to the central government.⁵³ Perhaps more important were persistent tensions between the administration and landowners over the collection of tax and the control of the local workforce, as we shall see below.

As for the legal position of the agricultural workforce, it is on *coloni* that voluminous scholarship has concentrated, probably because of their prominence in the legal materials.⁵⁴ It is another indication of the unsatisfactory nature of our evidence that we cannot even be certain that they were the most important form of labour, as opposed to being dominant on the estates of the upper classes and thus of greater and more direct concern to both the state and those upper classes generally, and hence more likely to figure in legislation. Nor should we, for example, forget either Libanius, who reminds us of villages owned by many peasant farmers, even though others had a single owner, or

⁵² So Banaji (2007). Likewise Whittow (2009). The point was made at an Oxford seminar (2010), after reviewing the evidence, that much of what we think we know of agrarian conditions in Egypt, or even alleged contrasts between Oxyrhynchus and Aphrodito may reflect little more than what papyri have so far been studied and their origins. Not the least merit of Decker (2009), esp. ch. 2, is cautioning against excessive generalizations about the East; he reminds us that even great estates could break up, notably through inheritance.

⁵³ On *JEd.* 13, Sarris (2006), ch. 11.

⁵⁴ The secondary literature is voluminous and (often very) dense: see esp. Jones (1964); Lemerle (tr. 1979); and Kaplan (1992, 2009), contrasting them with Banaji (2007); and Sarris (2004, 2006, and 2009a and b), to both of whom I am especially indebted. Also helpful, Carrié (1982); Mirković (1997); Whittaker and Garnsey (1998); Ward-Perkins (2000a); Grey (2007); and Sirks (2008), the last now indispensable for the legal detail. De Zulueta (1906) remains helpful on rural patronage. Wickham (2005), ch. 9, for a valuable overview of the issues and evidence. For a good, short introduction, Averil Cameron (2nd edn., 2012), 88–91, although she may see too wide a gap between law and practice.

the smaller landowners, the *ktetores* or *leptoktetores*, who also feature in the papyri. Tchalenko also notes, for instance, that the labour force at Behyo, and almost certainly other villages with an olive monoculture, was augmented by workers during the harvest season who at other times provided casual labour in the arable farms of the Orontes valley.⁵⁵ But we can be fairly confident, with the rise of the great estate, as a consequence of the evolution of a new service aristocracy from the fourth century onwards, that *coloni*, of whatever precise condition in law, were an increasingly important category, though not the sole category of labour in the richer, more easily cultivatable territories where the great estates appear to have flourished most—in the East, especially in Egypt, parts of Syria, Cappadocia, Pamphylia, the Marmara coasts.⁵⁶

Yet we have no comprehensive statement, in the *Codes* or elsewhere, of what a *colonus* was in our period, juridically speaking, when the traditional Latin meaning of ‘farmer’, as found in Cicero, for instance, will no longer suffice. Indeed the word *colonus*, with its overtones of ‘colonist’—like the French *colon*, that is someone who is settled on the land—may subliminally mislead. The Greek synonym, *georgos*, literally someone who works the land—whether as tenant, labourer, or freeholder—is more illuminating. It is also compatible with those definitions we do possess, notably in the *Justinianic Code* (11.48.19), and Justinian’s *Novel* 162. In the former, *coloni* are explicitly described as paid workers under an obligation ‘both to work the land and pay the tax’, while in the *Novel*, *coloni adscripticii* (*enapographoi* in Greek) are described as ‘inhabitants of the villages and workers of the lands . . . for this is what the designation of *colonus* means’. Beyond these, we have to be largely content with what Book 11 of the *Justinianic Code*, containing provisions still apparently in force from Constantine to Justinian, says about them.

Another reason for the enduring obscurity is that many interpretations in the legislation itself embody, as may the second definition just quoted, ideologically charged special pleading and rhetorical *obiter dicta* as treacherous as in any other sixth-century text. But this does not mean we can write off the legislation as empty rhetoric. Worse, since the prefaces to the laws from which the extracts in the *Codes* have been taken are lost, we often have only the prefaces to the later *Novels* that reveal the mischiefs the legislator thought needed addressing, or had had brought to his attention, or how he wished his response to be seen, and sometimes also who was lobbying for change. Modern interpreters can also be *parti pris*. ‘*Coloni* have attracted two particular groups of scholars,’ wrote Ward-Perkins: ‘those who wish to see the Late Empire as a dinosaur, brought down by the inflexibility of its own social skeleton, and those who see in the *colonus* the ancestor of the tied serf of the

⁵⁵ Whitton (2009), *EHB* (=Laiou 2002), 171–83. See section ‘The Archaeological Evidence and Its Ambiguities’, above.

⁵⁶ As Sarris (2006), ch. 7, persuasively argues.

Middle Ages, and hence evidence for Marx's theory of a direct transition from a "slave" to a "feudal" mode of production.⁵⁷ My chapter has no such lofty ambitions; it simply traces the gradual, never complete harmonization of various legal status groups of agricultural workers across the empire into a class, most analogous to slaves.

Problems also arise from treating the legal materials as an internally consistent modern code, rather than reflecting legislative initiatives or responses over a long period, often targeted at specific areas in reply to representations or litigation for which the evidence is lost.⁵⁸ The examples of legislation cited below cover more than two hundred years, from 319 to 545. They reflect different problems, often in specific places (and even then local arrangements, the papyri suggest, admitted greater variations than the law texts reflect, certainly at first reading),⁵⁹ on which the central government felt legislation desirable. Indeed, even educated provincials might be unsure precisely what the law was: Augustine, for example, a bishop with extensive judicial experience and knowledge, had to seek advice from a legal expert (or *iurisconsultus*) on a range of questions concerning the colonate, including imperial constitutions which he had seen but which were unclear to him.⁶⁰ Justinian, in many *Novels*, tendentiously justified innovative legislation in response to changing social conditions; more texts in the *Code* than we realize may also be examples of disingenuous drafting.⁶¹

We cannot even claim, without qualification, that the underlying motive of this legislation was fiscal. Sirks, for instance, tells us that, for the Justinianic compilers of the *Code*, 'the main feature of the colonate was services to be rendered, within the context of agricultural exploitation'. If the primary concern had been fiscal, material on the colonate would, on this view, have been placed in Book 10, which deals with taxes.⁶² This seems too simple, rather than wrong; the perceptions, moreover, of later compilers are not necessarily those of the original draftsmen and emperors. Ensuring that the land was farmed and that the taxes on it were collected, both requiring a labour force kept in its place, are intimately linked in both theory and practice. (Sometimes this required frustrating landlords' intentions to 'take over' whole

⁵⁷ Ward-Perkins (2000a), 343. Carrié (1982) similarly relates the history of the study of the 'colonnate' in France to contemporary (French) ideological disputes.

⁵⁸ As Averil Cameron (1993), 85–7, spells out. Cf. e.g. *CJ* 1.1.6. 1.1.7, and 1.1.8 for examples of subtly inconsistent juxtaposed legislation targeted at different audiences (here on a religious issue).

⁵⁹ See now Banaji (2007), ch. 8.

⁶⁰ Augustine, *Letters* 24, 20; Wickham (2005), 522. Significantly, Augustine was asking whether a landowner could convert his *coloni* into slaves. It is clear from the later *JInst* 2.6.1 that he cannot. But the fact that both emperor and bishop address the issue suggests that such enslavement was a possibility (and doubtless happened).

⁶¹ M. Maas (1986). See Ch. 5.

⁶² Sirks (2008).

villages and diverting their revenues from the fisc in whole or in part, which had the side effect (or intention?) of enabling the state to focus on unprotected peasants, who were easier to exploit. This seems to have been the target of the Theodosian legislation against rural patronage.⁶³) Later, it seems that, as new patterns of landholding became established, the imperial government saw greater attractions in pinning down potential taxpayers who might otherwise decamp—to the benefit of neither their original master nor the state—even if this meant leaving them in the power of a great landowner. At the same time, the emperor had wider interests: he required social stability as much as tax revenues. He also needed to be seen to be on the side of justice and equity—even, sometimes, at the cost of denouncing landowners and his own officials in legislation, if his authority was to be perceived as legitimate (and effective), and if landowners were not to escape imperial control.⁶⁴ As the deacon Agapetus advised Justinian at the start of his reign:

Consider yourself to reign safely when you rule willing subjects. For the unwilling subject rebels when he has the opportunity. But he who is ruled by the bonds of goodwill is firm in his obedience to his ruler.⁶⁵

But we are not trying to solve all these conundrums. Rather we are constructing a *model* of social relationships (and associated conflicts) on the land—one which will not assume that there was a single invariant, underlying institution of ‘the colonate’. (For example, we need not assume that adscript *coloni* were overwhelmingly labourers on great estates (rather than tenants), as the sixth-century papyri of the Apion estates at Oxyrhynchus suggest, supported as they are by imperial legislation.⁶⁶) But it fits together those elements of the arrangements we are investigating in the most rational way; it will later help us take our thinking further, not least by comparing our model with further evidence. We are also not concerned with the law, or even the status of those who worked the land for their own sakes, but in order to answer those two questions in our epigraph: Who benefits? Who does what to whom?

So, can we assume that the relations of agricultural production generally tended to facilitate the exploitation of those who worked the land by those able to appropriate, in varying degrees, the surplus produced by the former over and above that required for their own subsistence? Powerful evidence for this lies in the way the (surviving) legislation broadly reveals progressive deterioration in the legal rights of *coloni* of all types to the advantage of landowners (although it is less concerned with the detailed terms and conditions of labour

⁶³ e.g. *CTh.* 12.1.

⁶⁴ e.g. *JEd.* 4 (Phoenicia).

⁶⁵ Agapetus, *Advice* 35, with Bell (2009), n. *ad loc.* For ‘legitimacy’ see Ch. 6.

⁶⁶ Banaji’s approach (2007) to the make-up of the agrarian labour force is commendably nuanced; he admits of substantial variations even in Egypt. For legislative support for *coloni* as (normally?) labourers: *NVal.* 6.1, contrasting them with tenants; *CJ* 11.48.19, discussed in section ‘Legislation on the Colonnate’, below.

for their own sakes; for this we must turn to the complementary papyri). The best we can say is that the primary aim of legislation, over the centuries, was sustaining the level of taxes by ensuring that the land was farmed. Not just, or not entirely, by tying the *colonus* to the land, but also, as in the case of imperial estates, by sometimes offering exemptions from onerous public services in return—although guaranteed tenure or employment for thirty years was no small benefit in itself.⁶⁷ This would also fit our understanding of the wider polarization of late Roman society: above all the emergence from the early fourth century of a new service aristocracy, the ‘New Constantinians’. These were the group best placed to exploit the currency and fiscal reforms of Anastasius (r. 491–518) and the abundant gold coinage at its heart (see the subsection ‘The importance of the gold coinage’), to achieve political dominance over earlier local elites, and thereby build up the great landed estates throughout the empire, which so many *coloni* of all kinds worked—along with other kinds of labourers and slaves.⁶⁸

The strength of landlords in relation to their *coloni* or other, for instance, casual workers, was also increased by the apparent growth of bipartite estates, in which a domain or ‘home farm’ (*autourgia*) was directly worked by the landlord, with the remainder of the estate settled on varying terms by the *coloni*, who also worked on the *autourgia*.⁶⁹ This—it seems true of the former Western Empire as well as for the East—gave landlords greater direct control over their workforces.⁷⁰ In parallel, the exploitation of such legal devices as *fidei commissio*, a kind of trust, to supplant the traditional Roman legal rules on inheritance and the consequent division of estates, had an effect similar to the law of entail in England and elsewhere in—usually—preserving estates intact across the generations.⁷¹ This combination of a tendency to polarize society and the strengthening of the landlord class over time provides part of the *mise-en-scène* for the kind of conflicts to which we shall come.

Legislation on the colonate—an illustrative selection

Legislation for the sixth century can be found in the *Codes*, especially Book 11 of the *Codex Justinianus*, and in Justinian’s *Novels*. The following examples

⁶⁷ e.g. *CTh.* 12.1.33.

⁶⁸ Heather (1994) for the ‘New Constantinians’. Banaji (2007) for the new aristocratic dominance and the growing ascendancy of great estates. Also Sarris (2006).

⁶⁹ For the bipartite estate, Banaji (2007) and Sarris (2006) are fundamental, esp. the latter, although the evidence for them specifically, as opposed to that for great estates generally, is less abundant.

⁷⁰ As Wickham (2005) has noted.

⁷¹ Sarris (2006), 194–5. Gregory of Nyssa and Basil of Caesarea, for example, both divided their estates between their nine children, Gregory of Nyssa, *Vita Macrinae* 20.11–23 in Decker (2009), 79.

give some idea both of its flavour and of the characteristics and changes in the institution over time.⁷² For example:

- *Constantine, 332*: ‘*coloni* who practise flight must be bound with chains and reduced to a servile condition, so that by virtue of their condemnation to slavery, they shall be compelled to fulfil the duties of free men’ (*CTh.* 5.17.1). Sarris has drawn attention to fifth-sixth-century papyri from the Apion estates attesting to the flight, arrest, and imprisonment of *coloni*.⁷³
- *Constantius and Constans, 342*: our first surviving reference to a ‘law of the colonate’ (*ius colonatus*). This probably refers to privileges and obligations which have grown up around this institution, here in the context of preventing men exploiting it, by claiming to be *coloni* and therefore ineligible for burdensome, local government (or ‘curial’) responsibilities (*CTh.* 12.1.33). If so, it shows that the institution need not be entirely oppressive.
- *Honorius and Theodosius, c.392*: ‘we enjoin that *coloni* be so attached to the land that they should not be moved from it, even for a short period of time’ (*CJ* 11.48.15).
- *Honorius and Arcadius, 393–5*: *coloni* are those who ‘although they may seem to have the status of free men, should however be regarded as the slaves of the land (*servi terrae*) on which they were born’ (*CJ* 11.52.1). This strange formulation seems a recognition that they are not to be separated from the estate that is their place of birth, or *origo*. In regard to them, and illustrating the ambiguity of their status, their owner exercises ‘both the watchful concern of a patron [*sc.* as in regard to a free man] and the power of a master [*sc.* as in regard to a slave]’ (*et patroni sollicitudine et domini potestate*).
- *Honorius and Arcadius, c.396*: *coloni* are described as ‘to a certain extent in a state of servitude’ (*quadam dediti servitudine*). This may be assimilating *coloni* to prisoners of war (*CJ* 11.50.2). This leads directly to:
- *Honorius and Theodosius, 409*: this prescribes how some prisoners of war, allies of the Huns, are to be treated under the ‘law of the colonate’ (*iure colonatus*) and spells out, this time in detail, the extensive rights of a master over *coloni* (*CTh.* 5.6.3).

Later legislation deals in more detail with the (generally) deteriorating conditions of being a *colonus*. It includes:

- *Anastasius (r. 491–518)*: ‘of the peasants [*georgon*], some are *adscripticii* [*enapographoi*] and their possessions [*peculia*] belong to their landlords [*despotas*]; others after thirty years [become] wage-labourers [*misthotoi* =

⁷² For a fuller analysis of the legal background, Sirks (2008).

⁷³ Sarris (2006, 2011a).

free labourers/coloni?] and remain free with their own property. These are obliged to work the land and provide the tax. This is in the interest of both the landlord *and the peasant*' (CJ 11.48.19, my italics).

- *Justinian, 530*: this provision prescribes, in response to uncertainty and dispute, that the children of an *adscripticius* (of either sex) and a slave shall follow the status of the mother. This change brings the law for these two status groups into harmony with that already applying to the issue of free persons and slaves. 'For what difference shall we understand there to be between slaves and [*sc. coloni*] *adscripticii*, since both are in the power of their masters, who can free his slave along with his personal possessions (*peculium*) and the adscript with his land?' (CJ 11.48.21).
- *Justinian, 530*: this refers to a law of Anastasius prohibiting the children of a *colonus* from leaving the land their father had worked for thirty years, although they remain free and cannot be reduced to an inferior condition (CJ 11.48.23.1).
- *Justinian, 539*: this reaffirms the rule that a child follows the legal status of its mother. However, even if the child of a free woman and a *colonus* remains free, then as a general rule admitting of exception, he or she will remain tied to the land. This law also offers the (possibly tendentious) definition we noted earlier: 'those who inhabit the country . . . and work the fields . . . is what the term *colonus* means' (JN 162).

If only it were so simple! For A. H. M. Jones, there were three categories of cultivators: free smallholders; those (including *coloni*) holding land on long-term, increasingly popular emphyteutic leases (which were tantamount to perpetual tenancies on primarily church or imperial land, with a fixed rent); or those holding or working land on other terms.⁷⁴ The last group might include, for example, as well as *coloni*, both sharecroppers and casual labour, from which even holy men might derive some earnings: after all, they had to buy their ascetic diet of lupin seeds!⁷⁵ Jones concluded, however, that *coloni* themselves fell into three broad categories. First, *adscripticii*, seen in the legislation just discussed. They were effectively 'serfs' on the basis of *Codex Justinianus* 11.48.21, and descended from those registered in the census of Diocletian (r. 284–305), or later, as belonging to an estate. (The very word *adscripticius* and its Greek equivalent (*enapographos*) both mean 'registered'.) Later this category would incorporate such *coloni* registered on estates more generally, as the scale and importance of estates grew and more apparently sought to join them on 'adscript' terms. Second, there were *coloni* tied to their landlords' estates but personally free. Third, less prominent in the legal sources, if not sixth-century papyri, were free men who took short-term leases

⁷⁴ Jones (1964), 801 ff.

⁷⁵ P. R. L. Brown (2008).

and also retained their freedom. Slaves are noticeable by their general absence, though we know of their presence as estate workers from the papyri.

Unfortunately the law here also conceals as much as it reveals. Look again, for instance, at *Codex Justinianus* 11.48.21, dealing with the status of the child of an adscript *colonus* and a slave. The final sentence of this passage is usually now read, in isolation, as a draftsman's despair at being unable to distinguish any longer between these two lowest status groups. However, although the two groups had ever more in common, it is not a generalized statement of the (admittedly now slight) distinction between them. Nor, unlike the other legislation cited above, is it concerned with regulating the status and rights of *adscripticii* or slaves as such. A more 'literary' reading shows that, beneath the rhetoric, the draftsman is blurring the distinction between the groups, slaves and *coloni*, not to provide a legal definition for its own sake, but to justify a modest reform (and make the law more consistent). For read *in its entirety*, *Codex Justinianus* 11.48.21 extends to the offspring of the union between either a male slave and a female *colona* or between a female slave and a male *colonus* the long-established legal rule elsewhere that 'status follows the womb' (*condicio sequitur ventrem*): namely, that a child takes its status from that of the mother. This had hitherto only applied to the issue of a free person and a slave; the child of a slave father and a female *colona* would have formerly been, however, and in contradiction to this general rule, a slave.⁷⁶

Thus, a sentence hitherto read uncritically as the final degradation of the status of being an adscript to that of a slave justifies a clarification of the law, which actually *benefited* the offspring of female *adscripticii*—by preventing their enslavement. This was done through the creative legal fiction of regarding their adscript mother as if she were a slave by applying to her a rule hitherto applying only to mothers of servile status—so that her status would now determine that of her offspring—as a *colonus*, that is, not as a slave! Assuming we are now right, on papyrological grounds, in seeing (many, or even most) *adscripticii* as 'neither slaves nor tenants, but wage labourers subject to intense landlord controls', the final sentence of our text is better seen as tendentious rhetoric, reflecting the commonplace, or *topos*, which assimilated all wage labour to slavery.⁷⁷ But note that, rhetoric apart, this reform could also *disadvantage* landlords, who now stood to lose an extra slave when the father was a slave, but the mother a *colona*.⁷⁸ We shall see how this concession was qualified at the time by *Codex Justinianus* 11.48.24, and later by Justinian's *Novel* 162, both discussed below.

⁷⁶ *CJ* 11.69.1 for complications.

⁷⁷ Banaji (2007), 210; Sarris (2006).

⁷⁸ For similar rhetoric, assimilating slaves to *adscripticii*, *CJ* 11.50.2; for the latter nevertheless describing themselves as 'slaves' (*douloi*), Mirkovic (1997), 83–4.

But the exercise of this legal fiction *did* nevertheless depend on an apparently growing assimilation of *adscripticii* to slaves: when someone became an *adscripticius*—that is, registered on the tax register of their landowner or employer—they were described, like a slave, as placing themselves within the power of their master (*in domini potestate*). The law goes further, we saw, in respect of *adscripticii*: ‘their owner exercises both the right of patron and the power of master’.⁷⁹ They are, as it were, both free (in public law) and unfree (in private law). It is hard to see, with some exceptions again discussed below, what the *practical* difference was on an estate between a slave and an *adscripticius*.

It may help to clarify distinctions between types of *coloni*—and the ambiguities of the evidence—if we see how two leading agrarian historians of Byzantium could reach opposing conclusions about a fundamental distinction between free and *adscript coloni*.⁸⁰ Thus Lemerle, starting from *Codex Justinianus* 11.48.19, believes that there was, in practice, only one category of *colonus*, the *adscripticius*, ‘even when the law texts, with their peculiar archaism, repeat the distinctions of another era’.⁸¹ No one, he continues, whatever their status, would put themselves in a position where the law would bite, ‘when they could terminate their contracts before the thirty years were up . . . to regain the status of free peasants’, unless they or their children were somehow coerced into the lower *adscript* status. So you were, in practice, either an *adscripticius* or a free man. In so concluding, however, Lemerle ignores, for example, those ‘free’ *coloni*, who were the children of free mothers or of *coloni* with thirty years’ service, who were nevertheless constrained to remain, notwithstanding their ‘freedom’, on the land; or those *adscripticii* in Palestine, Illyricum, or Thrace who were effectively made ‘free’ *coloni* by legislation.⁸²

But however we read *Codex Justinianus* 11.48.19 and the technical vocabulary it employs, we should neither overestimate the significance of eventual ‘freedom’ from the *adscripticiate* (whatever that status actually implied), nor assume that an *adscripticius* could simply repudiate his contract and walk away. Given a possible life expectancy of around 45,⁸³ few would have achieved thirty years of service, or survived thereafter for any significant period. Moreover, the ‘freedom’ you then obtained might satisfy *adscripts*’ aspirations to a higher social status in life, but did not however let you—or your descendants (*CJ* 11.48.23), whose freedom was similarly curtailed, although they must be decently treated—leave your land or work, always assuming you had somewhere better to go.

⁷⁹ *CJ* 11.52.1.

⁸⁰ Whittow (1996), 424: Lemerle was ‘still valuable’, although Kaplan was ‘now the standard guide’. Sirks (2008) takes the issues still further.

⁸¹ Lemerle (1979), 21.

⁸² *CJ* 50, 51, 52, with Sirks (2008), 130.

⁸³ Based on UK statistics for life expectancy in the mid-19th-cent.

More important, however, is the social context of the institution: above all, the unequal power relationship between the farmer (*georgos/colonus*), who did the work, and his master (*despotes/dominus*), who owned the land and creamed off the surplus. Lemerle, however, has assumed that cultivators were, in general, originally free—and we certainly have evidence of a labour market in Egypt. But, free or not, they may well have been induced to accept or persist in ‘adscript colonate terms’ (of whatever kind) because they were coerced or attracted by more powerful local patrons, who were better able to protect them against the importunities of tax collectors and other landlords, as well as able to give them land or work (or both). In this case, becoming an adscript *colonus*, with thirty years’ job security and your master ultimately responsible for any tax obligations you had, could be a rational, if painful, choice.⁸⁴

We see this from other legislation, which concedes that taxation drove many poor people ‘to flee into the laps of the most powerful houses’ as their *coloni* (CTh. 12.1.6), while the fifth-century bishop and historian Theodoret considered it odd for apparently independent peasants not to have a master (or patron) to protect them—especially when landlords were often also the local government, as pagarchs, say, in Egypt.⁸⁵ Many future *adscripticii* probably had nowhere else to go to even if they wanted to. They were, therefore, in a weak bargaining position. In short, the terms many secured were probably better than anything they might reasonably expect to secure elsewhere (and certainly better than starvation or beggary). And they remained bound (and, in theory at least, protected) by a contract: *Codex Justinianus* 11.48.22 lays down that consent was essential to becoming an *adscripticius*, assuming one was not so from birth—as the sixth-century Apion papyri, for instance, make clear many were. This carries the implication that previously some may indeed have been coerced (or tricked) into that status, although others would note its advantages, even the possibility of invoking their legal rights against their landlord. (Although passive resistance—itself a form of conflict—to one’s master was also a possibility.⁸⁶)

We are also told that the condition of a free *colonus* was inherently unstable: for Lemerle, they escaped into total freedom (implausible as a general rule);⁸⁷ or fell back, possibly as the result of abusive landlords,⁸⁸ into the condition of

⁸⁴ See Section 3.

⁸⁵ Theodoret, *Historia Religiosa* 17.

⁸⁶ e.g. *P. Oxy.* xvi (2005) (peasants deserting an estate), *P. Oxy.* xvi (1856) (refusing to pay dues to an overseer) in Sarris (2009a).

⁸⁷ e.g. by exploiting (the later) *JN* 112.2 (also *JN* 162.2) which provides that a free *colonus* became wholly free, if he acquired a personal property sufficient to keep him fully occupied.

⁸⁸ *CJ* 11.48.22.

adscripticius whose restrictions he recites.⁸⁹ Some clearly did escape, whether legally or not (for example, by decamping to a city, monastery, another patron or landlord; acquiring sufficient property of their own; or becoming a bandit). But, even without taking account of those who became free through their own ‘emancipation’, or that of their fathers (*CJ* 11.48.19), or the status of their mothers (*CJ* 11.48.21), that does not empty the category of free *colonus*, even if it is probably right to lay greater weight, certainly in respect of the great estates, on the *adscripticii*.

But it certainly does not let us conclude, with Kaplan, that ‘from then on (*sc.* *JN* 128 (545)), all *coloni* were, in fact, *free coloni*’.⁹⁰ His argument, first, affirms that ‘one cannot maintain that the status of *colonus adscripticius* was continually degraded’, though he does not discuss *Codex Justinianus* 11.48.21 (or 11.50.2): this last, however tendentiously, *does* assimilate *adscripticii* and slaves. The distinction between the two categories of *colonus* dissolves for him in the face of two arguments: first, free *coloni* can pay tax; correct (*CJ* 11.48.19). Second, since an *adscripticius* may have real property in his own possession (*JN* 128.14), he is responsible for tax on it, since one can only pay tax on property one owns. Hence ‘the last trace of slave origins, the incapacity to own property and the incapacity to pay tax which is linked to it, has vanished’. But this neglects important aspects of the relationship of the *adscripticius* to the landlord in respect of the latter’s land (or *autourgia*), which he may have worked in addition to his own plot (if he had one), other contractual services he performed qua *adscripticius*, and his probable financial indebtedness to the landlord. Life could be tough even for free labourers.⁹¹ It also ignores that portion of *Codex Justinianus* 11.48.19, amongst other legislation, that requires this ‘free’ *colonus* to stay on his land, even if he cannot be evicted. It passes over the remainder of Justinian’s *Novel* 128.14, which stipulates that the *colonus* pays tax on real property in his possession *unless* the master (*sc.* of the *colonus*) agrees to do so. This suggests a more complex relationship of dependence between master and a potentially vulnerable worker.⁹² More particularly, it leaves open the possibility that a free *colonus* might even *prefer* that the landlord act as his financial manager, thereby acting

⁸⁹ *CJ* 11.48.2.7, 48.4, 48.19, 48.20, 50.2; *JN* 157.

⁹⁰ Kaplan (1992), ch. 4.

⁹¹ Banaji (2007) and Sarris (2006) argue that *adscripticii* were not necessarily tenant farmers, but were also, perhaps predominantly, tightly controlled (wage) labourers of varying kinds, including slaves (*paidaria*). Sirks (2008) agrees, with examples of *adscripticii* even employed off the land itself. For the tight control of wage labourers: Moschus, *The Spiritual Meadow*, ch. 154, reports a man complaining that, for 15 years’ work, he has never been paid—although he may have been a fugitive *colonus* whom his new employer could blackmail into not being paid, in return for receiving maintenance.

⁹² *P. Oxy.* 1. 130 concerns the plight of a *colonus adscripticius*, Anoup, on the edge of ruin because of debt incurred in borrowing 15 *solidi* to buy cattle, which technically belong to his master.

as a protective barrier—at a price to be negotiated—between the *colonus* and the taxman. This complements the situation described by Sirks; he emphasizes the control of the *peculium* of an *adscripticius* exercised by his master, and the latter's responsibility for paying the poll tax in respect of his *adscripticii*.⁹³

More recently, Kaplan has argued that 'the majority of the properties of large landowners . . . was allocated to (*sc.* free) *coloni*'.⁹⁴ He characterizes the rural society of the Roman East in late antiquity thus: 'the tillers of the soil were essentially free men who oversaw the exploitation of land over which they had complete responsibility—a task which they carried out primarily with their families . . . over time, these *coloni* tended to transform into emphyteutic lessees and the distinction between owners and non-owners faded away'. This may possibly reflect the changed and war-damaged political economy of the seventh century when traditional patterns of upper-class landholding seem to have been disturbed; but it does not fit ours. Meanwhile, the benefits of being a 'free' *colonus* remain elusive. Perhaps we should not stress the (relative?) absence of economic dependence on the landlord—his possessions (or *peculium*) were under his own control, at least in theory, for a free, but not an *adscript*, *colonus*. Should we not rather emphasize a *status* consciousness, not confined to Egypt or the ancient world, amongst free *coloni* that, whatever the constraints under which they operated, they remained free men?⁹⁵ As some farmers (*georgoi*) in Egypt reminded their landlord, in atrocious Greek, they were *not* his slaves!⁹⁶

Our doubts grow even stronger when we set the legal materials into their sixth-century social context. This means, primarily, comparing them with the voluminous papyrus materials on estate management now becoming available, above all from sixth-century Oxyrhyncus and Aphrodito. Assuming that these are typical not just of Egypt but of the empire as a whole, there are grounds for, cautiously, accepting what they tell us both about *coloni* and the rise of the great estate, especially in the fertile, more easily cultivatable and manageable parts of the Eastern Empire.⁹⁷ If so, it seems that where we can relate *coloni* to the social context in which they worked, we find *adscripticii*—even if what is involved in being such, in Egypt at least, is more complicated than we might infer from the legislation on its own.⁹⁸ Sarris has shown convincingly, from employment contracts in the Apion archive, how *adscripticii* could, for example, both work on the 'in-hand' (*autourgia*) of bipartite estates and also receive land of their own on which to pay rent and taxes, as well as in some cases acquiring property in their own right. Sarris has also

⁹³ Sirks (2008).

⁹⁴ Kaplan in Haldon (2009a), 146–8.

⁹⁵ For the importance of 'status consciousness' in English medieval villages: Faith (1997).

⁹⁶ P. Ross. *Geog* III.8, in Mirković: (1997), 125.

⁹⁷ Whitton (2009).

⁹⁸ Sarris (2006).

demonstrated how in his relationship to his 'master', the *adscripticius* was, as we saw *Codex Justinianus* 11.48.21 asserts, in the former's 'power' (*potestas*) and, in *that* respect, in a 'servile' relationship to him, although not in regard to society in general.

To sum up so far, the view that 'the colonate as an institution . . . was more theoretical than real', or 'an historical myth' is now overtaken.⁹⁹ *Adscripticii* indisputably existed and more widely than just in Egypt, given the generality of the legislation and the probable existence of great (bi)partite estates elsewhere, certainly by the sixth century, and in productive regions such as parts of Syria. So too did free *coloni*: 'The papyri are effectively unique to Egypt, but the archaeological evidence suggests that the Egyptian pattern held true for the sixth-century east as a whole.'¹⁰⁰ Even so, we cannot torture the evidence to depict a consistent institution that did not mutate in both time and place in order to produce a 'General Theory of the Colonnate'. The very search rests on a misunderstanding.¹⁰¹ It also reflects an unjustified assumption that the law was, in general, descriptive of how people behaved, even if the continued deterioration in the status of *adscripticii* was almost certainly true. Life in Ghana showed me that the gap between law and behaviour can be very wide.

Some advantages in being or becoming a *colonus*?

So far, we have stressed the oppressiveness of the colonate, and its increasing approximation to slavery (in parallel to the rise of the 'Great Estate' and an ever more powerful landlord class). But, as we have shown, not all legislation concerning *coloni* was intrinsically exploitative; in the previous chapter, we warned against assuming that, because our model for analysing agricultural relationships was essentially conflictual and exploitative, it was invariably so. For instance, imperial benevolence—and the imperial interest—required that *coloni* found their circumstances relatively tolerable and that they should even have rights against their landlords and legally guaranteed hopes of 'freedom', if they were to remain on their lands, stay quiescent, work—and pay their taxes. (That this was a real concern is implied by the kind of widespread rural disaffection we examine later in this chapter.)

Above all, *coloni* had work, and were, in some degree, legally protected, *assuming* they could avail themselves of their rights: for example, the privileges of *coloni* on imperial estates in respect of trade, freedom from military service,

⁹⁹ So Sarris (2006), ch. 8, for a review of earlier literature. Averil Cameron (1993), 119ff., for a position from which she has rightly moved in her revised (2012) edn.

¹⁰⁰ Banaji (2007), ch. 1; Sarris (1999, 2004). Quotation from Whittow (2009).

¹⁰¹ Whittaker and Garnsey (1998).

tax immunities, as well as exclusion from 'low employments'.¹⁰² Such 'exemptions' also benefited the emperors more directly, who thereby kept these individuals working on their estates. *Codex Theodosianus* 12.1.33 is even more telling in describing those who were seeking to avoid onerous curial (that is local government) duties by seeking to pursue privileges of the emperor's privy purse (*res privata*) by exploiting the rights of *coloni*. *Codex Justinianus* 11.63.1 contains, moreover, a generalized ban, although seemingly confined through its title to those working on imperial estates, on *coloni* who are illegally taking over lands on which certain crops, not of their own planting, are cultivated, or are taking more water than they need from emphyteutic tenants. All this suggests a degree of economic dynamism and prosperity. So do other texts, including *Codex Justinianus* 11.68, which consolidates further privileges, some fiscal, going back to the reign of Valentinian (r. 364–75).¹⁰³

The *coloni* could also, in theory, not be disposed of, even when their lands changed hands;¹⁰⁴ their rents were fixed¹⁰⁵ and they had some legal redress against their masters. This ~~was~~ actually exploited: later legislation was directed against *coloni* (and their supporters) who were prosecuting cases in Constantinople at the expense of their work on the land,¹⁰⁶ and further legislation sought to curtail legal redress.¹⁰⁷ Even *Codex Justinianus* 11.48.23, which seems to have abolished the right of any sort of *colonus* to leave their place of work, shows a degree of even-handedness in providing the possibility of legal redress against landlords 'who introduce a novelty or use violence'.¹⁰⁸ One could even argue, given the language of much imperial legislation, that the government was trying to legitimize its fundamental economic structure—in agriculture—in ways that could sustain the kind of consensual, Durkheimian narrative that we saw Libanius deploying in respect of those he tendentiously claimed were the happy peasants of his native Antioch.

SECTION 2—MODELLING SOCIAL CONFLICT IN THE COUNTRYSIDE

Status *versus* class in the law

Our interest is less to understand the law as such, but the underlying social realities. We have yet to distinguish between *status* and *class* in evaluating the

¹⁰² e.g. *CTh.* 12.1.23. Kaplan (1992) for a fuller list. Mirković (1997) for a guide to the legal complexities, and the *perceived* advantages of being a free *colonus*.

¹⁰³ e.g. *JN* 162.2 envisages *coloni* acquiring property that can lead to their freedom.

¹⁰⁴ *CJ* 11.48.2.

¹⁰⁵ *CJ* 11.48.1.

¹⁰⁶ *CJ* 11.48.20, 50.1 and 2; *JN* 80.

¹⁰⁷ *CJ* 11.50.2.

¹⁰⁸ Confirmed by *JN* 162.2.

evidence. The law texts faithfully reflect Roman society in the importance attached to status and social hierarchy. It was natural for legislators to regulate social relations in agriculture in terms of status, even when their primary concern was protecting their fiscal revenue or landlords' economic interests (where the latter did not conflict with the former). This was because, for legislators, status in relation to the land was 'nothing less than the expression of an economic system and a state structure'.¹⁰⁹ Unfortunately, although status and class are close correlates, legislation drafted in terms of the former can mislead. It may only imperfectly reflect the '*class relationship* under which a surplus was transferred from below and power exercised from above'.¹¹⁰ It usually says little about its wider social context, except in some Prefaces to the *Novels*,¹¹¹ and then tendentiously. This not only makes the legal evidence harder to interpret, it also generated absurdities in its own legal terms as lawyers struggled to respond to particular problems in respect of an increasingly inappropriate tradition, including through the invention of such bizarre legal concepts as a *colonus* being, while ostensibly free, a 'slave of the land' (*servus terrae*).¹¹²

We have seen how *Codex Justinianus* 11.48.21 deliberately blurred the distinction between an adscript *colonus* and a slave. But this obfuscation and the evidence adduced subsequently show how far legal theory had by now diverged from a fundamental distinction that had made ever diminishing sense since the loss of political *libertas* with the inception of the principate, more than five hundred years earlier. Just how far—certainly where the economically and socially vital matter of controlling agricultural labour was concerned—we can see by contrasting *Codex Justinianus* 11.48.21 with the contemporary division of humanity between free and slave in Justinian's *Institutes*. Here, the fundamental classification in the law of persons is this: all men are either free or slaves. Liberty—from which the word *liberi* (or 'free men') comes—is a man's natural ability to do what he wants unless something else, either the law or another force, prevents him.¹¹³ This may have sufficed for an introductory textbook, such as the *Institutes*, though even this concedes that reality might be a tad more complex.¹¹⁴ But it was inadequate for legislative draftsmen or practising lawyers. The oversimplification here should have sounded a warning of the dangers in taking at face value a legal discourse

¹⁰⁹ Lemerle (1979), 1.

¹¹⁰ Elster (1985), ch. 6.

¹¹¹ e.g. in *JN* 8 and other legislation discussed later in this chapter.

¹¹² *CJ.* 11.52.1. See also Section 1.

¹¹³ *JInst.* 1.3, tr. Birks and McLeod (with amendment). See also *Digest* 1.4.

¹¹⁴ e.g. *JInst.* 1.16 (*de capitis minutione*) deals with loss of status of various types: the third is 'where a man keeps both his citizenship and freedom but alters his personal standing . . . as where an independent person passes into the authority of another' (tr. Birks and McLeod). This fits the transition from free citizen to *colonus*.

increasingly remote from social reality, or in too readily accepting the internal conceptualization of the legislation. Patlagean was clear that these (and other) legal distinctions were relatively unimportant in relation to the general position of the poor versus the powerful (*potentes/dunatoi*) of the empire; she provides an outstanding, if grim, characterization of rural life in our period without being seduced into discussing the problems of definition surrounding the colonate.¹¹⁵ Others have also clearly identified the beneficiaries of the blurring of the status of slave and free: the fisc and the major landowners.¹¹⁶

But an inappropriate conceptual framework can also impair understanding in other ways. Confronted by the evidence for the apparent erosion of the distinction between slaves and freemen when the latter are *coloni*, scholars have acknowledged that the *Codes* reveal 'a narrow gap between slaves and *coloni*, but a gap none the less'.¹¹⁷ But by emphasizing the division, however small, between people of different statuses, one can easily miss both the wider picture and the questions of who are the prime beneficiaries of the social arrangements reflected in the legislation. The oversight is analogous to that of a historian of the British Empire who noted the legal distinction between a slave and an indentured labourer, but did not register that the latter fulfilled the same role, often performed the same plantation labour that slaves had carried out before their emancipation in 1833, but often could not avail themselves of the notional rights of their juridically higher status.¹¹⁸

Status and class in the law

We have so far argued *against* uncritically accepting roseate assessments of universal economic prosperity (and wealth distribution, whether in class or regional terms), although we have asserted the existence of a sophisticated, monetarized economy; and *for* a reading of legal evidence that places greater emphasis on the underlying class relationships in late antique society. This section will use these materials—supplemented by saints' lives—to illuminate a social structure in which class and status were both important. Thus, in *class* terms, we might regard a *colonus* as an ('ideal') type of (low-status) worker playing a fundamental economic role, whether as wage labourer or tenant, and recognize that this *class* might include members of several status groups, including technically free peasant farmers under the power of a powerful

¹¹⁵ Patlagean (1977), esp. ch. 6.

¹¹⁶ Whittaker and Garnsey (1998), esp. 287–94. So also Averil Cameron (1993).

¹¹⁷ Garnsey and Humfress (2001), 87.

¹¹⁸ Bush (2000). Not just a historical point. Within the UK, for example, media exposés have revealed sex-workers, agricultural labourers, etc. from Eastern Europe, who are vilely treated, even though they come from EU member countries and, in theory, enjoy the full protection of EU and UK law.

patron, or slaves (*paidaria*), whose continuing importance the law texts (and especially the papyri) reveal.¹¹⁹

Three examples show this. First, much legislation on the colonate represents *coloni* as inferiors; they must not take responsibilities or enjoy rights that should only belong to their betters. For example, legislation cited earlier as exempting them from curial duties, for instance, can be read as a privilege, given the unpopularity and costs of such duties, and would tend to make the status of *colonus* more attractive. But *Codex Justinianus* 11.68.1 is cast in terms of not ‘degrading’ other decurions and citizens generally by drawing on their services. Also the reason given in *Codex Justinianus* 11.50.2 for not allowing *adscripiti* to sue their masters, except exceptionally, is that it would be ‘intolerable’ for them to be allowed to bring proceedings against persons with the right to sell them along with the land to which they are attached. *Codex Justinianus* 11.48.19 similarly sees *coloni* in positions of responsibility in the army as ‘degrading’ that institution. We cannot ignore the substance of the legislation. But the force and frequency of the rhetoric it often employs suggest that one motive behind it, beyond its economic rationale, was maintaining status differentials for their own sake. In the same way, the author of *On Political Science* sensibly favours recruiting the most able from any source to his upper class of *aristoi*—literally the ‘best people’ or *optimates*. But those whose only claim to promotion is their ability must serve in a lower college of the senate of his ideal empire.¹²⁰

Second, we have already noted Justinian’s ‘liberalizing’ decision concerning the offspring of *adscripiti* so that a child’s status should follow that of its mother, not its father.¹²¹ But it was recognized that allowing children to follow the mother’s status could cause problems—for landowners, that is. Allowing that the offspring of a union between an *adscripiti* and a free woman would themselves be free had risked reducing the labour force, since the child would no longer be an *adscripiti*. By way of providing landlords with a means of averting this, the law (*CJ* 11.48.24) accordingly provided that the estate owner of the *adscripiti* could punish and forcibly take the father—the *colonus adscripiti*—away from the free woman (*ingenua*), thereby ending the relationship and reducing the risk of further free offspring! If he did not, ‘he can only blame his own negligence for the losses he may sustain’.¹²² However, this

¹¹⁹ e.g. *CJ* 11.54.2; *JN* 7 for slaves on church estates. Repeated citations from papyri in Sarris (2006). For the continuing significance of slaves in our period see e.g. Rotman (2004). Averil Cameron (2012), 88–9, with sources, is also useful.

¹²⁰ *Dialogue* 533–4, with Bell (2009), *ad loc.* This ‘provision’ is on a par with the bitter resentments found in Procopius or John the Lydian of able new men, but of relatively humble status, brought into the highest reaches of government by Justinian.

¹²¹ *CJ* 11.48.21.

¹²² No empty concern: in Africa, the provisions seem to have led to a labour shortage: *JiIN* 6, confirmed by *NTibii* 13, accordingly prescribed that children of a *colonus adscripiti* and a free woman (*ingenua*) should be free *coloni*. Sirks (2008), 128, for details.

was not enough to protect landlord interests. In 537, therefore, responding to representations, the emperor backtracked, in language echoed elsewhere in the *Code*, 'in order that... the use of subtle interpretations for injuring the possessors of property may no longer be allowed'. As a result, children born *before* the 533 legislation were unaffected: that is, they remained *coloni*.¹²³ He later 'clarified' his position again in response to queries from Illyricum: the sons of free women married to *adscripticii* might be free, but they nevertheless remained—subject to qualifications—bound to work on their land.¹²⁴ Thus, having remedied a legal anomaly, the emperor—responding to lobbying—twice took back what he logically could in the economic interests of landowners. What is ostensibly a question of legal status is really a matter of *class*. It shows how the legislative process worked—and in whose interests.¹²⁵ This retreat in the face of upper-class pressure can be paralleled by similar 'tweaking' of the law in Russia, in landlords' interests, following the emancipation of their serfs in 1861, or by the nineteenth-century Factory Acts in Britain, which clawed back some of the protection they had originally given juveniles in factory owners' interests.¹²⁶

Our third example unambiguously represents class exploitation. A primary motive for the legal structures enacted over the preceding two hundred years was keeping the rural population in its place, metaphorically and literally, in the overlapping interests of the richer landowning classes—including the emperor, whether in terms of his private estates (*res privata*) or the fisc.¹²⁷ This is true not only of laws regulating the colonate, but also of provisions that would affect, for instance, villages of freeholders, by such legal devices as *adiectio sterilium/epibole*, designed to ensure that the tax liability of abandoned properties (or where the owners could not be found) was transferred to the village collectivity.¹²⁸ The state was here not the only beneficiary: when the poll tax (*capitatio*) was removed in Illyricum and Thrace, by Valentinian and Theodosius respectively,¹²⁹ the previous arrangements still held: the mobility of *coloni* remained constrained 'by virtue of the name and title of *colonus*' (*nomine et titulo colonorum*) in the interests of landlords—including, therefore, local imperial private property (*res privata*) as well as the fisc.

This background has brought into focus the framework of exploitation, which is partly reflected, but partly concealed, in the legislation; we could have

¹²³ JN 54, preface and 1. My italics.

¹²⁴ JN 162.

¹²⁵ Jones (1964), 801 (with nn.) for legal references; also Sirks (2008).

¹²⁶ Bush (1996, 2000); Marx (1957), 289.

¹²⁷ e.g. Garnsey and Whittaker (1998), 287–94.

¹²⁸ CJ 11.59.

¹²⁹ CJ 11.53.1 (Illyricum); CJ 11.52.1 (Thrace). The latter makes it clear that the land tax (*iugatio*) remained—and was more likely to be paid if the workers stayed. The last is a point of wider application.

cited more examples. It thereby answers, in systemic terms, the two questions posed by the epigraphs at the start of this chapter: Who benefits? Who does what to whom? We need now to look at the more concrete, social character of this exploitative relationship.

Relations of production in the countryside (1)—the exploiters

We must not exaggerate the increasing social degradation of the *colonus*, nor the other restrictions on his condition.¹³⁰ We must recognize variations across the empire, and more variation in types of employment than those discussed here. Nor must we assume that life at the lower end of the agricultural work scale was uniformly worse than under the early empire. A *colonus* had, after all, his land (sometimes) and, often, his paid labour. He had legal rights against his master. In theory, at least, he also enjoyed a degree of security and the other benefits we have itemized. Libanius can artfully paint the life of peasants—when they are not conspiring against him—in bright and attractive terms.¹³¹ Yet, in terms of the heuristic simplifications model building requires, we cannot deny that what the more powerful (*potentiores*), as a class, did to their social inferiors was to *exploit* them: they extracted taxes, rents, labour . . . As the sixth-century hymnographer, Romanos, put it:

The rich man is exalted above the poor, he devours all his substance:

The peasant toils, the landlord harvests; the one labours, the other is at ease.¹³²

Such ‘harvesting’ could be made worse by additional illegal demands or extortionate loans. Or by the kind of behaviour (unspecified) that led the fourth-century orator and courtier Themistius to tell the emperor Valens, in 368, in the context of the rising burden of taxation, that ‘many of the nobles who had held office for three generations made their subjects long for the barbarian’.¹³³ Precisely what proportion of the yields of the land went to proprietors or the fisc is likely to remain unclear. It depends on such variables as the crop in question—cereals, orchards, viticulture—the local climate and fertility of the soil; local agricultural organization; and the local tax regime. All these could vary considerably, and Egypt, whence much of the

¹³⁰ Kaplan (1992), for full legal references to constraints on *coloni*.

¹³¹ Libanius, *Antiochicus*, Or. 11.

¹³² Romanos, *Kontakion* 53 str. 3 (in Romanus, *Hymnes*, ed. and tr. (French) J. Grosdidier de Massons (Paris, 1964–81)), ‘To Monks and Ascetics’. Cf. *Kontakion* 49: ‘Dives and Lazarus’, for virulent hostility to the former, the rich man.

¹³³ Themistius, Or. 8.115c. Not an isolated comment: see de Ste Croix (1981), 474, and Poulter (2007), for examples of peasant preferences for Goths and other ‘barbarians’, including Procopius’ admission that, in the early 540s, Roman military behaviour made the Italians prefer the Ostrogoths.

best evidence comes, was not typical, in terms of several of these variables. Nevertheless, unless everything we read in the literary sources is seriously distorted, we have no compelling reason to dissent from the conclusion of A. H. M. Jones, a historian not given to sensationalism, that, 'taken as a whole, the peasantry were an oppressed and hapless class'.

That landlords and the fisc were able to extract their dues with 'ruthless efficiency'—even sometimes when not enough was left for peasants to live on, as in Edessa—was because they were ready to use force.¹³⁴ As two examples out of many for such ruthlessness, Jones cited Theodoret: he had noted, though without comment as something quite unremarkable, how tax collectors, when told by the apparently independent farmers of a Syrian village that they could not pay the 100 *solidi* owed, beat them and chained them. Ammianus recorded—with some literary exaggeration?—how it was a mark of shame in Egypt if a man could not display his weals, obtained by refusing tax demands. If we did not know of the efforts some landowners at least made to maximize the efficient use of their assets, we would be hard put to dispute that the late empire instantiates a general feature of 'class societies' of the pre-industrial epoch:

Aristocratic (despotic) empires were characteristically squeeze operations: when the élites wanted more, they did not think in terms of gains or productivity . . . They simply pressed and oppressed harder, and usually found some hidden juice. Sometimes they miscalculated and squeezed too hard, and that could mean flight, riot and opportunities for rebellion.¹³⁵

The evidence of the fourth century—Libanius, say, complaining about private landlords coercing farmers into paying taxes, and sometimes taking them off to prison¹³⁶—is corroborated by what we find in the sixth century: for example, the rapacity (and methods) attributed to Justinian, John the Cappadocian, and other high officials by Procopius, John the Lydian, Evagrius, or even imperial legislation.¹³⁷ This suggests that we are dealing with a feature of late antiquity as a whole, in both East and West. Much in such writers is tendentious. They ignore, for instance, similar abuses by private or ecclesiastical landlords: it is hard to imagine why the Apion family, for instance,

¹³⁴ Jones (1964), 808–12. Theodoret, *Religious History* 17; Amm. Marc., *RG* 22.16.23.

¹³⁵ Landes (1998), 32, cited with approval in Hobsbawm (2000), 13. One must not overstate the lack of calculation in such 'squeezing' however: for rational, bureaucratic estate management: Banaji (2007), ch. 7; Sarris (2006).

¹³⁶ e.g. Theodoret, *Hist. Rel.* 17; Lib. *Or.* 45.5, Amm. Marc., *RG* 22.16.23; 5th cent. Shenoute, *Letter to Saturnus*; 6th cent. Severus, *Hom.* 19 for denunciations of landlords. For the West, Salvian, *On the Governance of God (de gubernatione dei)*. For Wickham (2005), this would be a comparable text, not to be dismissed as mere rhetoric.

¹³⁷ e.g. *SH* 11.40–1; *de Mag.* 2.20–1, 3.38, 3.57ff.; and Evagrius, *EH* 4.30 who, however, grasps the link between taxation and the emperor's building programmes. *NTibII* 5 denouncing managers of imperial estates.

maintained a private militia (*bucellarii*) or prisons in apparent defiance of legislation, some targeted especially at Egypt, if not at least partly to control their and their allies' tenantry and workforces, just as Libanius' neighbours apparently drew on local soldiers.¹³⁸ It also betrays minimal understanding of *why* the regime may have been so desperately in need of finance and forced to economize or improve efficiency. *Novel* 148 was the first of Justin II's reign, yet its un-Justinianic confession that government expenditure was outrunning revenue has the ring of truth. It would go some way to explain not merely the inability to pay the army and their threats of mutiny, or the so-called 'bankers' conspiracy' that Paul the Silentiary makes so much of, but also why one of Justin's priorities on his elevation was to repay debts to bankers.¹³⁹

Nevertheless, the picture of intense exploitation is consistent—and we must not read too much into the (comparative) silence of the saints' lives. These, once regarded as veridical reportage of social conditions, are now increasingly viewed as literary constructs targeted at a literate urban elite, which decorously (but not invariably—read the *Life of Theodore of Sykeon*) pass over the activities of landowners, to whom they were addressed as fund-raising or patronage-seeking texts.¹⁴⁰ Nevertheless remarks such as those of John the Lydian, that peasants fleeing the exactions of the tax collectors for Constantinople provided the fuel for the subsequent Nika Riots,¹⁴¹ are echoed by the Justinianic legislation targeted, as so often, at the abuses of officials and the *illegal* aspects of tax collection.¹⁴² Other examples of official malpractice not only include Justinian's *Edict* 13 (539), attacking official abuses within a wider programme of reform in Egypt, but also *Novels* 32–4 (535), applying to Thrace and Illyria. These describe loan-sharking by the military to secure land, forcing the majority of the unfortunate farmers—by implication, owners of their own farms rather than *coloni*—to flee; they claim 'that a horrible contagious disease, not less terrible than the invasion of the barbarians, has been added to their other misfortunes'.¹⁴³

Corroboration of the oppressiveness even of the 'legitimate' collection of taxes, from which 'supra-legal' extortion (including military requisitions) seems barely distinguishable, is provided by laws which, reflecting that unease, try to justify the tax system generally. In, for instance, Justinian's *Novel* 149.2 (545), the emperor judged it politically desirable—at a time of great economic pressure not simply owing to the impact of the outbreak of plague in 542–3, but while war continued in both Italy and the Near East—to enumerate the

¹³⁸ e.g. *Dig.* 4.8.6 and 7; *CJ* 9.12.10, 9.5.1; *JN* 30, 85, 116. See also Sarris (2006).

¹³⁹ *JN* 148 (546). Paul, *Description of Hagia Sophia*, 24–40, with Bell's (2009) nn. *ad loc.*, and Corippus, *In Praise of Justin II* 2.357. See also Ch. 6.2.

¹⁴⁰ e.g. P. R. L. Brown (1971); Howard-Johnson and Hayward (1999).

¹⁴¹ *De Mag.* 3.70.

¹⁴² e.g. *JN* 8 and 80.

¹⁴³ *JN* 32.

benefits that flow from taxation, which by implication also reveal internal as well as external security problems. These included paying the army to save citizens from invasion and barbarians, and to protect them from robbers and bandits. Thanks to taxation walls were repaired, cities fortified—and public baths warmed and theatres supported! He felt obliged to add that ‘We do not derive any benefit from [sc. taxes]’.

The legislation reveals more bad conscience and political vulnerability, even in respect of legitimate official activity, in continuing to impose restrictions on the ordination of current and former officials as priests, on the grounds that their former responsibilities inevitably entailed ‘unacceptable’ conduct ranging from putting on theatrical shows to tax collection and the torture or execution of criminals. The following excerpt from Justinian’s *Novel* 123 (546), from a wide range of comparable legislation, bans civic councillors and tax collectors from entering the Church as a profession, on the revealing grounds that

It would not be just for a man who has been bred up in severe exactions and the sins that these involve to be at one moment a tax collector or a councillor and do the harshest things, then straightway be ordained a priest and preach about loving kindness and forgiveness.¹⁴⁴

Novel 8, a major and wide-ranging reform of provincial government, justifies the abolition, not of purchasing offices as such, as it is commonly misread, but of doing so at extortionate rates (or using middlemen) above those prescribed in the annex to the *Novel*. The aim is not to force office holders to extort the purchase costs of their offices from taxpayers.¹⁴⁵ This *Novel* includes a statement of intent to do what the emperor can to

Render Our people happy and relieve them of all onerous charges and impositions [set out in detail] *with the exception of duties and taxes*.¹⁴⁶

The legislation of Justinian’s successors shows still more clearly the (continuing) resentments generated, and a need to retain (or regain) the goodwill of the public, and more particularly that of senatorial backers of the new emperor, as well as the army. Thus, *Novel* 148, the first of Justin II’s reign, provided for a generous tax remission, given the poverty which taxes have allegedly caused.¹⁴⁷ The concerns of the legislator, however tendentiously

¹⁴⁴ Jones (1964), 925–7 for fuller background and refs.

¹⁴⁵ These last two measures also protect the revenue: *curiales* must still collect it; tax revenues will not be diverted to help repay office holders’ debts. *JN* 123.3 similarly restricts the ‘offerings’ that bishops are required to pay on their consecration lest ‘priests become venal’: cf. *JN* 56.

¹⁴⁶ My italics.

¹⁴⁷ = *JIN* 1, 566. This *Novel* also compensated bankers for their losses in the previous reign—all the more politically prudent if that *Novel* had been right to claim that government expenditures were outrunning revenues, which suggests the government was borrowing heavily. That

expressed, and the need of the emperors to be at least *seen* to be active, may reveal underlying mischiefs even more reliably than the gurning of Procopius and Co.

Such legislation, theoretically, benefited all taxpayers. The primary beneficiaries, however, were richer landowners, of whose sufferings we are tediously reminded. How much of the relief trickled down to others is unknowable. The same is true of the relief measures on Justinian's death to rescue moneylenders and bankers who claimed to have suffered at Justinian's hands, and for which Justin II took ostentatious personal—and political—credit.¹⁴⁸ Happily, however, we have more concrete evidence on who did what to whom, and who were the beneficiaries in the countryside. For instance, sometimes *potentiores* required forced labour—though the *corvée* seems to have been (formally at least) confined to a range of public works.¹⁴⁹ Nor can we distinguish clearly between overlapping categories of exploiters: the central government, in the form of imperial officials, exploiting their official position either in their own interests or as (high-ranking) managers (*curatores*) of imperial estates, where those very estates might be one of the beneficiaries of abuses;¹⁵⁰ or local *potentiores*, whose often deeply rooted local power, as with the Apions' in Egypt, might be intimately connected with their standing in both the imperial *apparat* and local administration; or the Church, whose abuses, comparable to those of the lay powerful, Procopius also denounces.¹⁵¹ Violence, including torture, could feature in such malpractice.¹⁵²

We cannot quantify the various categories of agricultural dependants, whether absolutely or proportionately, let alone the overlapping categories of exploiters and exploited. We know too that reliable statistical evidence, as opposed to occasional figures for the rate of exploitation from which we saw it is unsafe to generalize, is not available—which should again warn us against too readily assuming uniformity in labour law and practice or in the character of estates. Even such fundamental taxes as the poll tax (*capitatio*) were differently calculated in different areas.¹⁵³ The *Codes* repeatedly allow for divergences of local custom in even more restricted areas on the grounds of the 'custom of the estate' (*consuetudo praedii*).¹⁵⁴ But there is

the problems were, however, deep-seated is suggested by the later *Nov.* 163. This appears to enact an empire-wide one-year tax remission (spread over several years).

¹⁴⁸ Corippus, *In Praise of Justin II* 2.357 with Averil Cameron's nn. *ad loc.* See n. 139 here.

¹⁴⁹ Kaplan (1992), 158. For the harm that requisitioning their animals for public works could do to farmers—*Lib. Or.* 50. *CJ* 11.54.1, which dates to Diocletian, had theoretically banned such practices—and illustrates the general rule that abuses can survive reforming legislation.

¹⁵⁰ *CJ* 2.15.2; *NTibII* 5 (r. 578–82).

¹⁵¹ *SH* 13.4 ff. See Ch. 6.

¹⁵² *NTibII* 2.

¹⁵³ Jones (1964), 453–5, for variations, with possibly important economic effects.

¹⁵⁴ e.g. *JN* 128.1.

enough sixth-century evidence from Egypt to sustain Jones's claim that, on some land, the taxation might be so heavy that the owner could not make a profit on it or even keep it in good condition.¹⁵⁵ If so, the owner might cease to cultivate it. The tax due, owing to the mechanism for taxing of vacant properties (*adiectio steriliūm/epibole*), would then fall, other things being equal, on the wider commune, thereby adding to the burdens on other cultivators.¹⁵⁶ These could be aggravated by the kind of loan-sharking we noted from Justinian's *Novels* 32–5, especially where the debtors were already living on the margins, even in a good season.¹⁵⁷

More striking, however, despite tax and other burdens mentioned in the *Codes* and the indignation of our literary sources at the collection methods employed—at least when they and their friends were concerned—is the difficulty which the imperial administration *still* had in making ends meet, even in the relatively prosperous circumstances of the first half of the sixth century. In addition to the possibly tendentious pleading of *Novel* 148 (546/7) lamenting a cash shortage, ~~two~~ two pieces of evidence illustrate this: first, Alexander, castigated by Procopius for his methods of tax collection in reconquered Italy, acquired the sobriquet 'Scissors'. But he still could not snip enough money.¹⁵⁸ True, that was in an area ravaged by continuous war. But remember what Procopius writes about John the Cappadocian? Even in the *Wars*, Procopius' judgements of John are (almost) universally unfavourable, but he claims he had the trust of Justinian 'because he could bring the money in', implying this was a real achievement, given the difficulty of the task.¹⁵⁹ It tends, therefore, to confirm, from a different angle, the judgements of Procopius, John the Lydian, and Evagrius about his methods. It does not, however, follow that money was in short supply absolutely, given the competition for revenue within the system generally, whether siphoned off by officials or withheld by local elites. This latter phenomenon goes far to explain legislation denouncing official 'corruption', and Justinian's *Edict* 13 in particular; this represents Egypt as paying its tax, though little escaped the 'filter' of the local bureaucracy, in a way that 'threatens the very cohesion of Our state'.

¹⁵⁵ Jones, (1964), 819–20. relying on *P. Cairo* 67057, the *Tax List of Antaeopolis*. Cf. the high tax level, higher than rent, known at Ravenna: *P. Ital.* 2 cited by Jones (1964), 821.

¹⁵⁶ For *adiectio steriliūm/epibole*—see the constitutions collected in *CJ* 11.59. Jones (1964), 812–23, Ward-Perkins (2000), 379–80, accepts that fiscal exploitation may have contributed to depopulation (see *JN* 80), but shows it was not the only cause. Duncan-Jones (1994), 25–6, emphasizes fluctuating patterns of cultivation; *JN* 128.7 implies that lands abandoned by their owners were not necessarily uncultivated. The impact of the plague may be relevant.

¹⁵⁷ *JN* 34 suggests that interest charged on money loans was (probably far) higher than 5% (12.5% on cereals and dried fruit) since these are the *maxima* the reforming legislation allowed. Cf. the range and scale of abuses at the lower end of the moneylending industry—even in the UK.

¹⁵⁸ *Wars* 7.1.29–33.

¹⁵⁹ *Wars* 1.24.12–5, 25.8–10, 2.12–14.

Second, our evidence also supports the proposition that the late empire was a 'squeeze operation'.¹⁶⁰ We can also infer that the 'squeeze' became tighter—and more painful—following the (material) 'catastrophes' the empire suffered from the mid-530s onwards.¹⁶¹ These required more money to remedy, while simultaneously making it harder to raise. The difficulties included protracted war on at least two fronts, in Italy and with Persia, with the latter reducing the tax base substantially in Syria; Avar ravaging of the Balkans; the costs of the public building programme; a possible deterioration in the climate in mid-century but with longer-term adverse effects:¹⁶² the failure of the harvest in Egypt and other disasters,¹⁶³ and the plague from 542 onwards. There is a growing consensus about the dire effect of this, including the implications for tax revenues and the pressures for higher wages generated by the labour shortages.¹⁶⁴ Attractive, however, is the suggestion that one should not take the still disputed consequences of the plague in isolation. Rather we should regard the cumulation of disasters which accompanied or followed it as preventing the kind of recovery that took place in Western Europe following the Black Death.¹⁶⁵ Procopius certainly recognized the contraction of the tax base owing to such misfortunes—even if his proposed remedy was the remission of taxation in stricken areas, not the redoubled efforts to collect it apparently pursued by the Justinianic regime. The latter seems to have learnt from the ruinous misjudgements of the Western government in the previous century. Generous tax remissions there in 413 and 418 (and the loss of Africa to the Vandals in 429) had been followed in 444 by a *Novel* of Valentinian III, justifying a new sales tax owing to his inability to fund the necessary increased military spending, since 'neither for newly recruited troops, nor the old army can sufficient supplies be raised from the exhausted taxpayers to provide food and clothing'. Thirty-two years later, there was no Western emperor.¹⁶⁶

The importance of the gold coinage

We have so far been employing an economic model of the empire in terms of class-based economic exploitation, seeing the economy as dominated by the

¹⁶⁰ See section 'Relations of Production (1)'.

¹⁶¹ See Meier (2003), Anhang, but ignoring astronomical phenomena (comets etc.).

¹⁶² Farquharson and Koder: in Jeffreys et al. (1996), 263–9 and 270–85 respectively.

¹⁶³ *Wars* 7.29; *SH* 18.36–43.

¹⁶⁴ Much about the plague remains disputed: Horden (2005). But whether interpreted as a maximalist catastrophe, as the literary sources suggest, for which a model might be the 14th-cent. Black Death, or 'minimalist', on the lines of the English plague of the mid-17th, the economic effects would be negative, in the short term at least. For a general overview of this and other epidemics, including Sarris's plausible (and maximalist) views, see Little (2007).

¹⁶⁵ Laiou and Morrison (2007), 38–9.

¹⁶⁶ *SH* 23.6–7. Western tax remissions: *CTh.* 11.28.7 (for 413), 28.12 (for 418). Ward-Perkins (2005), 41–2, on the link between tax base, tax, and military effectiveness. *NVal.* 15.1 (444) in *CTh.*

removal of 'tribute' by the state, primarily through taxation, whether as money or in goods, for disbursement elsewhere. This was abetted by private land-owners, many of whose estates were of increasing scale and relative importance, both as tax and rent collectors. But we would misunderstand its dynamics if we ignored the significance of money in its own right, the gold *nomisma/solidus* in particular. This is because the late Roman political economy presupposed markets where produce could be sold to raise the cash to pay taxes; where the elites could buy the land and commodities to sustain and enhance their lifestyle and pay for the legal and bureaucratic services they required, and from which they were also the beneficiaries.¹⁶⁷ In this economy, credit and banking—and bankers—played a crucial and politically sensitive role in keeping the economy and trade, in particular, working—and the upper classes and government happy.

Anglophone scholars have only slowly grasped this political importance of money in its own right.¹⁶⁸ The French and Italians saw it earlier.¹⁶⁹ Thus Mazzarino: 'the possessors of gold . . . found themselves the effective lords of society'.¹⁷⁰ This cuts to the heart of the class situation of our period. Patlagean showed how, as well as benefiting the elites, money could redress, through charity, the inability of the market to provide subsistence for the predominantly urban poor, thereby alleviating social tensions there. However, greater attention is now being paid to the universal importance of money: copper coins seem ubiquitous on more recently excavated sites; any vision of the late empire as a non-monetarized economy is dead.¹⁷¹ Particularly important was the growing preference for gold by way of taxation, apparently begun under Anastasius.¹⁷² This, Banaji argues, was in response to pressure from the increasingly powerful interest groups of the army and imperial bureaucracy—Heather's 'New Constantinians'—whose numbers had multiplied greatly under the administrative centralization of Diocletian (r. 284–305) and his successors, and whose ascendancy it further advanced. These changes also disadvantaged the older curial classes of the cities, whose relative decline, not least in local power, is such a marked feature of late antiquity.¹⁷³ One of

¹⁶⁷ For the cash exchanges, as fees, which accompanied most transactions with officialdom at all levels, Kelly (2004).

¹⁶⁸ e.g. Hendy (1989), 1; Averil Cameron (1993), 95, citing Howgego (1992).

¹⁶⁹ e.g. Patlagean (1977), 351–77; Lemerle (1979), 4 and 5; Stein (1949), ii. 200.

¹⁷⁰ Mazzarino (1951).

¹⁷¹ Thanks especially to the pioneering work of Banaji (2007), of which chs. 3 and 5 are fundamental here, to whom I am greatly indebted.

¹⁷² Mal. 393, with evidence of previous abuse in the collection of the earlier *annona* (tax in kind). See also Stein (1949), ii. 199.

¹⁷³ Heather (1994): fundamental for the rise of the new service aristocracy, who benefited most from the 'monetary revolution'. Banaji (2007), esp. ch. 5, for the changing balance of rural power, and the growth of larger estates (in Egypt), along with Liebeschuetz (2001b), esp. ch. 3, for the effect in the cities.

the many ways this had a bearing on social relations was the tendency of the new aristocracy, who now could acquire and invest in ever greater estates, to operate larger demesnes (*autourgiai*/‘in-hand’ or ‘home farm’). This in turn facilitated tighter control of a labour force whose status and relative independence we have seen, almost certainly as a result, declining over the same period. This was accompanied by the effective takeover of local government, not least in respect of tax assessment and collection.¹⁷⁴ By the sixth century, gold currency, for this purpose divided into smaller denominations, was also of wide significance in everyday transactions, at least for accounting purposes. Sarris has highlighted here the extensive purchases (and payments) for credit notes (*pittakia*), which further ‘intensified the workforce’s dependence on the [sc. aristocratic] household’.¹⁷⁵ All this happened as the agrarian labour force came under the tightening legislative controls from Constantine onwards that we have noted.

The possession of gold coin, like its rate of exchange with copper, was thus salient in the relationship of rich and poor across the empire. The fifth(?)–century pamphlet *On Military Affairs* sets the tone for the succeeding period. The anonymous author writes in lurid, though far from baseless, terms, of the impact of a massive injection of gold into the economy by Constantine (r. 306–37)—even before Anastasius’ fiscal reforms, which had effectively created a gold-based monetary economy:

This had kindled all men’s possessive and spending instincts . . . the store of gold meant that the houses of the powerful were stuffed full, their splendour enhanced to the ruin of the poor and a kind of violence to the weak who did not possess it.¹⁷⁶

The only disturbance in Constantinople in the fourth–seventh centuries that Patlagean believed could be characterized as ‘class conflict’ (since Malalas represented it as a riot by the ‘destitute’ (*ptokhoi*)) was in 553. The government had then tried to change the exchange rate of gold to copper to the disadvantage of the latter, in what may have been an attempt by the government to redress the way the rate of exchange then applying had earlier worked to the advantage of the poor. (This had followed the devaluation of the *solidus* relative to the *folles*, as a result of the plague of 452, which had effectively strengthened the negotiating position of at least some of the lower classes.¹⁷⁷)

¹⁷⁴ Sarris (2009a).

¹⁷⁵ Sarris (2006), 64–8.

¹⁷⁶ *On Military Affairs (de rebus bellicis)*, 2.1–2.

¹⁷⁷ Mal. 486. Sarris (2006), 224–6, for a decline in the number of *folles* per *solidus* to 180 between 542 and 550, from an earlier rate of around 360 between c.498 and 538, which benefited the poor. He also notes a return to a rate of exchange closer to the status quo ante (e.g. *JN* 122 (545)), seeking to reduce prices and wages to pre-plague levels. Sarris represents this revaluation (with diagrams) in relation to the *solidus* and its later devaluation as part of a ‘seigneurial’

The psychological importance of the *solidus* is demonstrated by the geographer and theologian Cosmas Indicopleustes: it was evidence, since it had become a universally acceptable trading currency, that God had underwritten the Roman Empire to the end of time!¹⁷⁸

Taxation can, however, serve as an economic stimulus: people may work harder to meet tax bills. So could the entrenched and growing importance of the gold coinage: demand for gold to pay taxes or rents was in itself a motor for increased production; inability to find the necessary gold, through rents, profits, or borrowing, could entail ruin. Procopius and John the Lydian show this independently through their descriptions of the contraction of the public transport service (*cursus publicus*)—an economy measure helped by the diminishing need to transport taxes in kind, as opposed to less bulky coin. Unable to sell produce to the *cursus*, which provided gold to pay their taxes or to pay taxes out of those crops, landowners far from the sea—and therefore unable, by implication, to export their produce—allegedly lost both their market and their ability to pay tax.

This example also shows how the change to the new gold-based system was not politically neutral. It strengthened those able to profit from the monetarized fiscal system, both legally and abusively. *Legally*, it gave them access to a source of wealth, via salaries and fees, that shielded them not simply against inflation, given the generally firm imperial commitment to the stability of the gold coinage, but also—provided the gold taxes kept flowing in—against fluctuations in the real economy. It benefited primarily the service aristocracy (plus the lesser bureaucracy, by way of the fees that accompanied virtually all public transactions¹⁷⁹) at the expense of older categories of notables, in the old curial class, as well as their tenants, clients, and small independent farmers, who might not profit so easily from the new system (and whose grievances we may see in Procopius and John the Lydian).¹⁸⁰ It also provided them (and some upwardly mobile free *coloni*?¹⁸¹) with money to invest in land, including through the flourishing category of emphyteutic leases of ecclesiastical (or imperial lands). This enabled them to consolidate themselves further in positions of local power¹⁸² and amass holdings which could then be increased and concentrated over the generations by, for instance, the exploitation of the

reaction to the gains made by the lower orders in the wake of the plague, one later consolidated in the 'entente' between Justin II and the senatorial aristocracy.

¹⁷⁸ *Christian Topography* 2.77. An attempt to debase the *solidus* attributed to Peter Barsymes (*SH* 22.38) seems not to have been lasting. It may have been an emergency measure e.g. in response to the plague: Hendy (1985); Sarris (2006).

¹⁷⁹ Kelly (2004), esp. chs. 2 and 4, for details of the pervasive monetarization of administration, via fees, for tasks performed.

¹⁸⁰ For 'statistics' see Banaji (2007), ch. 5.

¹⁸¹ Kaplan (1992), 159.

¹⁸² Kaplan (1992), 159 for this process in Egypt.

law of trust (*fidei commissio*) to enable testators to circumvent traditional rules of inheritance that divided estates.¹⁸³ Just how important money had become to the bureaucratic elites in both practical and psychological terms—and for its ability to keep the machinery of government functioning—can be seen from what happened when for any reason the money no longer rolled in. *On Offices* III is a deeply felt lament on the part of John the Lydian and his side of the praetorian prefecture over the loss of fee income, without any attempt to address the reasoning behind what seem often sensible reforms in the judicial system: the use, for example, of cheaper paper, less formality, or permitting some litigation to be carried out more cheaply in the provinces, rather than brought to the capital.

Illegally, those operating the system could increase their gains (as well as divert tax revenues), often substantially,¹⁸⁴ through the artful manipulation of *adaeratio* and *coemptio*: that is, by setting unfavourable rates of exchange both for the commutation of produce into money and for compulsory purchase; and by the sale of office.¹⁸⁵ Such malpractice is implied by *Codex Justinianus* 10.27.2, which seeks to eliminate such abuses, and is further described by Procopius.¹⁸⁶ Money, however, strengthened the ‘class hegemony’ of such *potentiores* in further ways: in so far as they had gold, while the labourers and tenants—or clients—did not, their hold over these latter was increased. They were better placed for usury;¹⁸⁷ to ‘protect’ their dependants from the fisc; to buy produce, etc. at financially advantageous rates given their dependants’ need for gold to pay rents and taxes; to manipulate the legal system, legitimately or otherwise, in their own and their clients’ interests; or to force their *coloni* to rely on truck to secure whatever they could not produce or barter themselves.¹⁸⁸ This combination of local, including physical, power and possession of money provided a further incentive for *coloni* and free peasants of all kinds to seek the protection of a powerful patron. For the latter, the advantage was the avoidance or evasion of taxation on their own behalf and that of their clients, not excluding by criminal methods, to the detriment of the fisc,¹⁸⁹ and even acquiring labour on favourable colonate terms. Such men also

¹⁸³ Sarris (2006), ch. 10.

¹⁸⁴ *JEd.* 13 (539).

¹⁸⁵ Banaji (2007), 84–6, uses 19th-cent. Indian examples to show how seasonal variations in harvests could further disadvantage peasant farmers through increasing their indebtedness.

¹⁸⁶ *SH* 23.6, in noticeably technical language, explains how compulsory purchase (*coemptio/sunone*) could work. Note, however, the stimulus to economic activity these practices engendered. *JN* 8 for sale of office.

¹⁸⁷ As practised by the Army: *JN* 32–5.

¹⁸⁸ Sarris (2006) shows how landlords used such methods to strengthen their socio-economic positions.

¹⁸⁹ *CTh.* 11.24. For Lemerle ‘seeking immunity through terrorism’ as an incentive to patronage cannot be true. He is naïve: in NI, for instance, ‘protection’ by paramilitary groups made e.g. TV licences, virtually impossible to collect in parts of the province.

benefited socially not only in relation to an older generation of landowners,¹⁹⁰ but also potentially at the expense of the imperial authorities with whom they significantly overlapped.

Summing up so far, the most recent archaeological and papyrological evidence reveals a more complex economic life than once thought, generating often greater absolute wealth and economic activity, which included, in the Eastern Mediterranean, continuing long-distance trade. Nor do the legal texts portray a uniformly oppressed peasantry, though it becomes increasingly hard to distinguish most estate workers juridically from slaves. More attention is now paid to the 'positive' effects of the growing great estates. But this has not substantially lightened, even where it has modified, Jones's picture of the late empire. Nor has other archaeological evidence of economic deterioration from the plague onwards, which was noticeable in the later sixth century; and marked in the seventh. In fact, by overlooking the impact of the monetary system, for instance, Jones probably also *underestimated* its oppressiveness for many country dwellers. We have shown this without invoking evidence for the wider brutalization of society exemplified in, say, the criminal law of late antiquity, or by the way that most philanthropic or aristocratic saints, John the Almsgiver, could have an apparent wrongdoer flogged—case unheard. His sanctity revealed itself in the patriarch's condescending to compensate his innocent victim when the true offender came to light.¹⁹¹ In short, there is little in the evidence to deny in our period the existence of 'a fundamental antagonism . . . the powerful on one side and the weak on the other'.¹⁹²

Relations of production in the countryside (2)—the exploited

Hirschman's theory of the firm illuminates how such conflicts of interest could develop into 'class struggle'.¹⁹³ Of his 'responses' to a firm (or institution), the first was *loyalty* (or acquiescence). The typical reaction of the 'oppressed and hapless peasantry' to the brutal treatment landlords, tax collectors, or their agents could mete out may well have been 'singular passivity'¹⁹⁴—to which the resistance of the Bagaudae in the West or the Scamares in the Balkans seem partial exceptions.¹⁹⁵ Understood, however, as a species of the 'anarchy', the generalized banditry, or even the cooperative self-protection of country dwellers, who were faced with the weakness of the central government, which

¹⁹⁰ For such patronage working to the detriment of traditional urban elites, even in the 4th cent.: Lib. Or. 47.

¹⁹¹ *Life of John the Almsgiver* 24. Judicial savagery: MacMullen (1986).

¹⁹² Kaplan (1992), ch. 4.

¹⁹³ Hirschman, see Ch. 2, subsection 'Extra Tools'.

¹⁹⁴ Jones (1964), 811.

¹⁹⁵ Bagaudae: Jones (1964), 811–12; Scamares, Dmitrev (1952).

we can detect far more widely, their violent behaviours become far easier to understand—and, as we shall see, less exceptional.¹⁹⁶

We must not, therefore, overestimate such 'loyalty'. Inertia and conservatism aside, it is unsurprising that many peasants—precision is impossible—acquiesced in their treatment, even when abusive. Some—including perhaps those in *Novel* 128, who acquired property on their own behalf—could better themselves; others could manipulate the system against their masters, like Libanius' tenants in Syria, or Dioscorus' shepherds in Egypt.¹⁹⁷ Peasants such as these were thereby possibly reconciled to the system. Indeed, confronted by the resources of the tax collector or local notable, often one and the same person—and the violence of the late Roman system generally¹⁹⁸—passivity, including support for their 'superiors', was a rational, self-interested response. There was also, from Constantine onwards, the deterrent effect of the legal provisions dealing with runaways.¹⁹⁹ But such 'loyalty' was conditional: we find 'peasants' (or *agroikoi*), whose precise status is left unspecified in Procopius' classicizing but derogatory expression, fighting with their Roman masters against the Goths in Italy. However, when the Gothic king, Totila, countered with a gift of freedom and ownership of their own lands, their 'loyalty' changed with their perceived economic interest. Unsurprisingly, Totila's gifts were repudiated shortly before the final reconquest of Italy.²⁰⁰

Mediating factors

However, other elements of the wider social system promoted 'loyalty', as Hirschfeld used the term, thereby mediating conflict—not just prudential peasant conservatism. These included the legal safeguards for *coloni* in the *Codes*—if, and it is a big if, they were able to avail themselves of them, with the support of patrons or fellow villagers. Then there were the pains taken by the government itself, especially the rhetoric of justice that pervaded the administration, to promote the perception that the basic legal and social arrangements governing the peasantry, including extreme inequality of income distribution and status differentials, were *legitimate*, and the regime

¹⁹⁶ Drinkwater (1989).

¹⁹⁷ Lib. *Or.* 57. Dioscorus' problems: MacCoull (1988), esp. 24.

¹⁹⁸ e.g. in the abject terror noted by both Libanius and Chrysostom in the population of Antioch in 387 who feared, with some justification, given what was to happen in Thessalonica in 391, savage imperial reprisals in the wake of the riots of 387 in which statues, etc. of the emperor were destroyed (Lib. *Or.* 19–23; John Chrysostom, *Hom.* 17); also the violent military repression of the Nika Riots and rebellions by Samaritans and Jews, as well as in the repression more generally of Manichaeans, Pagans, heretics, homosexuals, or Amantius' operations in the mid-6th-cent. Levant, on which Ch. 6.1.

¹⁹⁹ CTh. 5.17.1.

²⁰⁰ Wars 7.22 for the emancipation; Justinian, *Constitutio Pragmatica* 2.16 (554), for its cancellation.

fundamentally benevolent. Recall, for instance, the arrangements prescribed in *Codex Justinianus* 11.48.19; these are said to be ‘in the interest’ (*lusiteles*) not just of their landlords, but of the *coloni* themselves. Justinian later glossed this provision (in some respects) in ways favouring *coloni*.²⁰¹

More material factors were at work. The chief beneficiaries of taxation and rents were the overlapping elites, local, imperial, and ecclesiastical: in the mid-sixth century, some 75 per cent of the fiscal revenues in Oxyrhyncus were channelled through the estates of ‘the Most Glorious’ (*endoxotatoi*) local notables, such as the Apions, ‘the Divine Estates’ (*domus divinae*) of the emperor, and the Church.²⁰² But there were economic benefits—on top of those of ‘protection’, the administration of justice, ordered markets, etc.—which accrued to the lower orders, even in the countryside. There was also a thriving, if low-paid, free labour market in Egypt at least, from which desert hermits also benefited.²⁰³ Nor should we forget that, even when financed by a sometimes extortionate tax system, public expenditure creates markets, including for agricultural produce. So does mercantile activity, and expenditure by the urban elites, some of whom were clearly flourishing, even if others were in relative or absolute decline. One recalls Libanius’ peasantry departing, despite the risks, to sell their wares in Antioch.²⁰⁴ Then there is the implication of Procopius’ denunciation of the curtailment of the ‘Public Post’ (*cursus publicus*): had the landowners (and their tenants), who supplied it with food and presumably some labour, been nearer the sea, they would have had alternative markets. Building works, even in cities, created demand for labour—including from the countryside: the Isaurians, working on Hagia Sophia, when the dome collapsed in 557, are examples.²⁰⁵ Nor does it follow that because so much taxation was directed at the maintenance of the state and its institutions, above all the army, largely billeted on the frontiers and in war zones, none of that trickled back into the provinces, if not always those from which it came. On the contrary, the case has been made on archaeological grounds for military road building in Osrhoene, and military expenditures more generally in connection with the build-up to wars with Persia, helping enrich—in relative terms—the Levant, from Edessa southwards.²⁰⁶

Some expenditure, moreover, was specifically targeted at the rural lower orders. One example, although apparently isolated, is what John of Ephesus reported, under the year 541–2, in connection with Justinian’s missionary

²⁰¹ *CJ* 11.48.23 (Justinian). See Ch. 6 for the regime’s efforts to promote the legitimacy of its authority more generally.

²⁰² Oxyrhyncus was probably exceptional in such a concentration, but not freakish: Banaji (2007), 49ff.

²⁰³ Banaji (2001), 180–8; Brown (2008).

²⁰⁴ *Lib. Or.* 50.

²⁰⁵ *Mal.* 490.

²⁰⁶ Wilkinson (1990).

work in Asia, Caria, Lydia, and Phrygia.²⁰⁷ He claimed to have made some 70,000 converts over the following years, with fifty-five churches and twelve monasteries built at public expense—with wages presumably going overwhelmingly to local workers and purchases of building materials to local suppliers. In addition, each convert received $\frac{1}{3}$ gold *solidus*, a total on John's figures of more than 23,000 *solidi*, exclusive of building costs, being pumped into the local economy.²⁰⁸ However, given the difficulty of ascertaining the purchasing power of money in our period, it is hard, especially given extreme short-term fluctuations resulting from occasional famines or from a probable increase in wage rates reflecting post-plague labour shortages, to estimate the impact of such injections.²⁰⁹ Nevertheless, the *Economic History of Byzantium* argues for long-term price and wage stability from the sixth century to the thirteenth century.²¹⁰ If, therefore, prices and wages were 'typical' in south-west Asia Minor in the 540s–70s, $\frac{1}{3}$ *solidus* is barely a third of what the *Economic History of Byzantium* regards as the monthly absolute maximum of an (urban) unqualified labourer (in full employment), and much lower than a skilled worker might hope to earn. Compare these figures with some sixth-century prices: a cheap blanket, for example, $\frac{1}{4}$ *solidus*; a second-hand cloak, 1 *solidus*; or a donkey, 3–4 *solidi*. A conclusion that 'a labourer or a mason, even if fully employed, lived just above the starvation line' may be too gloomy for the skilled man—unless he was a monk (6 *solidi* a year) or an ascetic (one portion of lupins a day, 1 *folliis*, which was between $\frac{1}{180}$ and $\frac{1}{525}$ *solidus*). But, whatever the necessary qualifications, $\frac{1}{3}$ *solidus*, a *tremissis*—the price of a medical consultation—was not much except in the most deprived areas, or for the very poor.²¹¹ Nor should we overestimate the 'multiplier effect' of such payments in the wider economy.²¹²

Given what we have seen of poverty, relative and absolute, and exploitation, the evidence for more robust responses from the exploited than 'singular passivity' is unsurprising. There is, however, little surviving that can be

²⁰⁷ John of Ephesus, in Ps.-Dionysius of Tel Mahre, *Chron.* 77. For other accounts by John see ed. Witakowski's n. *ad loc.*

²⁰⁸ = 324 lb of gold.

²⁰⁹ The price of wheat in Edessa rose some tenfold during the famine of 499–502 (Ps.-Joshua the Stylite, 264); *JN* 122 for an attempt to curb post-plague wage increases in Constantinople.

²¹⁰ *EHB* (=Laiou 2002), 872.

²¹¹ Figures, with sources, Banaji (2007), app. 1, tables 3 & 6; quotation from C. Mango (1980), 40; *EHB* (=Laiou 2002), ch. 39, table 18.

²¹² Veyne (1976), 158–9, and n. 197 *ad loc.* with numerically worked examples, is sceptical about the 'multiplier effect' of imperial largesse, especially if the marginal propensity to save (mps) of such beneficiaries as small peasants, labourers, etc was likely to approach 0%. However, this assumption is questionable: the mps of other beneficiaries, richer peasants, contractors, even landowners is likely to have been higher. But, lacking better data, we cannot push the argument further.

described as 'class consciousness',²¹³ although the reasoned exhortation of 'the rich' by Ps.-Pelagius and Salvian would provide (Western) examples, of probably widely shared views.²¹⁴ We certainly have sound evidence for local solidarity against oppressive landlords, as in the *Life of Theodore of Sykeon*. It is also on display, for instance, in the *Life of Porphyrius of Gaza* where a (Pagan) village rallies around a farmer who, although its only tenant there, is being abused by his landlord, the Church; or, in the *Life of Nicholas of Sion*, when the villagers collectively boycott their local city for fear of the plague—an act for which Nicholas is blamed by the authorities, lay and clerical. It is also implied in the *Theodosian Code* which talks of the difficulty of collecting taxes from villages which 'relied on strength or numbers to defend themselves'.²¹⁵ When they did or could not, we might only too easily be back with the kind of situation described by Theodoret in Syria: 'the collectors (*praktōres*) began to arrive, who compelled them to pay their taxes and began to imprison some and maltreat others'.²¹⁶

But we cannot detect ~~any~~ major egalitarian movements comparable to the Mazdakites of contemporary Iran, or in China.²¹⁷ This absence of wider 'horizontal' solidarity was probably reinforced by the importance of patronage, including of whole villages, in our period. These encouraged lower classes to look *upwards* to individual patrons, both on earth—and, via holy men and the churches, to heaven—to protect their interests, rather than to peers in the same socio-economic predicament. The nearest perhaps we get in our period and before is the cult of the poor in Christian doctrine and practice, exemplified by those like Agapetus, who appears to insist that the good emperor should take from the rich and give to the poor. This radical—and apparently isolated—plea for redistributive taxation must be distinguished, however, from simply being generous to the poor.²¹⁸ This emphasized the evils of mistreating the indigent and the need to alleviate their sufferings through charity—thereby tending to lessen social tensions—but was not linked to any ideology of social, still less revolutionary, reform.²¹⁹ Solidarity at the village or estate level *seems* as far as it normally went (nor was it incompatible with

²¹³ e.g. as classically described by Marx, *The Eighteenth Brumaire of Louis Napoleon*, in Marx (1977).

²¹⁴ Ps.-Pelagius, *On Wealth (de divitiis)*; Salvian, *On the Governance of God (de gubernatione dei)*.

²¹⁵ *Life of Porphyrius of Gaza* 22ff. For the *Life of Theodore of Sykeon*, see also Ch. 5. CTh. 11.24.3. *Life of Nicholas of Sion*, 52–3.

²¹⁶ Theodoret, *Religious History*, 17.

²¹⁷ Rubin (2000), Iran; Crone (1989), China; Evans (1996), 89–90, speculates, citing John of Nikiu 90.54–60, that Mazdakite ideas did penetrate Roman society, but may have fallen under the ban on 'Manichaeism'.

²¹⁸ *Advice* 16, ed. Bell (2009). More generally, see Ch. 6.

²¹⁹ P. R. L. Brown (2002), ch. 1.

villagers attacking other villages in 'the same class position'—as well as fellow peasants who appeared to be getting above themselves²²⁰).

Passing over, for the present, Hirschman's second category, *exit* or *flight* which includes, for example, a range of mainly illegal activities, such as fleeing to a monastery, a city, or even banditry—or to a more sympathetic patron—we come to his third, *voice*. This encompasses varieties of resistance to the behaviour of officials and others. These can be expressed, for example, in verbal protest and ritual gesture, in the 'tenants' whinges' (*agrestes querellae*) which Pliny bemoaned in the early second century; through, in chiefly urban contexts, acclamations and litigation; and finally, in the actual violence which penetrates the literary evidence, including—at length—the legislation.²²¹ Consider again the *Life of Theodore of Sykeon*, set 'in the time of Justinian of pious memory when the laws were obeyed'—in other words, during a 'good' period, and, by implication, in contrast to the alleged deterioration in law and order during the reign of the usurper Phocas (r. 602–10).²²² A saint's life is not anthropological reportage. But, even if individual episodes be fictional, they must have been plausible fiction to have the desired effect on the intended audience. What this *Life*, set chiefly in Galatia, says about village life and economics, class exploitation, or tensions between town and country is plausible, perhaps because it is apparently written by a relatively humble, monastic follower of Theodore. It complements, with circumstantial detail, what we can infer from other sources, including the *Codes*.

Several points emerge from this *Life*: first, the brute fact of oppression and exploitation of tenants, their precise legal status unspecified—and irrelevant—and by urban-based landlords. In the case of the village of Eucraous, the oppressor, a local notable, a *protector* whose title suggests links with the service aristocracy, is actually named.²²³ There is no reason to believe such oppression was atypical; the point of the story would then vanish. What is typical is the urban-based, violent exploitation of farmers in the country familiar to all. What is atypical—because it shows just how extraordinary a holy man's power is—is the hero's ability to best the oppressor (with help from on high), just as the Syrian holy man Maësymas once similarly triumphed over Letoius, the extortionate (and Pagan) landlord of a village near Antioch.²²⁴

²²⁰ Lib. Or. 47; P. Oxy. 1853 in Sarris (2006) for village raiding in Egypt. *Life of Theodore of Sykeon*, 150 (Theodore's arbitration between two villages about to fight over wood supplies); 114 (villagers attacking other villagers who appeared to be enriching themselves).

²²¹ Pliny, *Ep.* 9.36. Rights of litigation: preserved, despite restrictions, in, for example, the legislation exploited by dependent agriculturalists, even in the capital: *JN* 80.2.

²²² *Life of Theodore of Sykeon* 1.

²²³ The title's significance here is unclear—though for the *Life's* author, it showed him a man of local importance. Liebeschuetz (2001b), 113, for what such titles might mean.

²²⁴ Theodoret of Cyrrihus, *Historia religiosa* 14. P. R. L. Brown (1971) for the classic account of the holy man as both a man of power (*dynamis*) and a patron (like Maësymas), and (1982b) for how this phenomenon worked in Syria.

Second, and this also seems typical, because mentioned without comment, is the account of how Theodore, then bishop of Anastasioupolis on the road to Ancyra,²²⁵ had leased out church lands, presumably for convenience and a regular income, to a rich local notable with money to invest—in a way congruent with the motives of the imperial and ecclesiastical authorities throughout our period in leasing out their lands, particularly on emphyteutic leases, which they might otherwise have had difficulty in managing successfully.²²⁶ Such renting out was likely to intensify rather than reduce the rate of exploitation, since the new tenants would wish to secure a satisfactory rate of return on their investment. Indeed, a motive for intensifying the restrictions on the mobility of *coloni* was to make such leasing more attractive to investors—that is, by facilitating exploitation.²²⁷

Problems of public order—‘struggle’

We saw earlier how much of Justinian’s administrative reform legislation, chiefly of the 530s, had a direct bearing on agriculture, given its centrality both to the economy, including taxation, and to the duties, careers, and wealth of officials and landowners alike. It also provides evidence of *intra*-class conflict and sometimes even violence. Such generic legislation included, through measures generally aimed at driving out ‘the wickedness of trouble-makers through legal means’,²²⁸ a range of reforms making courts more accessible, administration generally more effective, increasing governors’ authority and pay, and imposing tighter controls on the sale of offices (and thus reducing the funds purchasers would have to recoup illicitly).²²⁹ But, in the wide-ranging *Novel* 17 targeting gubernatorial abuse, the law also threatened governors with severe penalties, including the loss of a hand, if they failed to establish precise details of whence and from whom taxes were due, and what had been received. Nor could they, or ecclesiastics, issue licences of fiscal exemption.²³⁰ We could easily show from this and similar ‘reforming’ legislation how such measures brought the interests of the emperor and local notables into conflict, in ways all the more problematic once one grasps that, in our period, so many officials—the Egyptian pagarchs, say—were local landowners.²³¹

²²⁵ Mod. Ankara.

²²⁶ Kaplan (1992), 166, emphasizes the importance, reflected in much legislation, of *emphyteusis*, especially for the Church.

²²⁷ Garnsey and Whittaker (1998), 283. cf. *CJ* 11.63.1, for protecting emphyteutic leaseholders against *coloni*.

²²⁸ *C. Imp. Mai. Proem* (*JInst.*, Proem).

²²⁹ Details in Jones (1964), 281–2.

²³⁰ *JN* 17; *JEd.* 10.

²³¹ Sarris (2006); Haldon (2009c) for details of this *intra*-class conflict.

Against this, we should set the measures illustrating the ‘multidimensional’ conflicts of our period. For example, we possess epigraphic evidence for abuse by the local gentry in an inscription from Hadrianopolis in Honorias in northern Asia Minor (see Fig. 3.2).²³² The language reflects the concerns of *Novel* 29 on adjacent Paphlagonia, and of *Novel* 149, where protection against ‘those living lawlessly’ (*ataktous biountas*), the term applied to the trouble-makers in Honorias, was cited as amongst the benefits of taxation. This inscription reveals sustained rural violence and encroachment on both private (*eleutheriakon*) and state lands (*tameiakon*). Groups connected with each were also at violent odds in Cappadocia; retainers of local landowners (*kettores*) were involved.²³³ This had continued despite previous efforts at repression, and where the main victims, apart from the state, would be smaller farmers, of whatever status.²³⁴ The immediate mischief was caused by *xulokaballarioi*—a word probably denoting mounted ‘club-wielders’²³⁵—operating here in small gangs. No one in future, proclaims the inscription, is to keep more than ten men in their service.²³⁶ But ten club-wielding ‘heavies’ can intimidate a lot of villagers, let alone isolated farmers, unless they can fight back, as they did in Theodore’s Eucraous. In societies where ‘gangsterism’ is entrenched, it does not take much more than a knock on the door or heavy hints in a bar to cause terror and, more important for the terrorist, racketeer, or over-enthusiastic tax collector, ensure compliance. The son of my secretary in Belfast failed to take just such a hint. He was kneecapped.

Theodore’s *Life* suggests, only too plausibly, that an aggrieved landowner might have the further resource of being able to draw on reinforcements from his fellow notables in the local town.²³⁷ The *Life* also implies that being identified with farmers was intrinsically risky: the two bishops about whose conflicts with the urban elites on behalf of the local farmers we know most, Theodore and Nicholas of Sion, both seem to have lost their jobs.

Finally, note that the Honorias inscription does not mention the provincial authorities, unlike *Novel* 29 and other reforming *Novels*. The text is addressed to the bishop, while two high officials were sent from Constantinople to sort things out. This hardly showed confidence in the secular authorities—who may themselves have been part of the problem, as they were in Dioscorus’

²³² Feissel and Kaygusuz (1985), revised in Feissel (2010), for full text and commentary. They assume a mid-6th-cent. date for the inscription, though they concede it may describe ‘only too prevalent realities’ to be dated precisely.

²³³ *JN* 30.

²³⁴ For encroachment on military lands, *CJ* 11.60.2, 3.

²³⁵ *JN* 85 bans private use of weapons, as a serious social problem.

²³⁶ Interpreted by Sarris (1999), 192 ff. as a reluctant acceptance of armed retainers, representing a failure of earlier legislation to prevent private appropriation of *bucellarii*, etc. For *bucellarii*, Sarris (2006), 162–75.

²³⁷ *Life* 76.

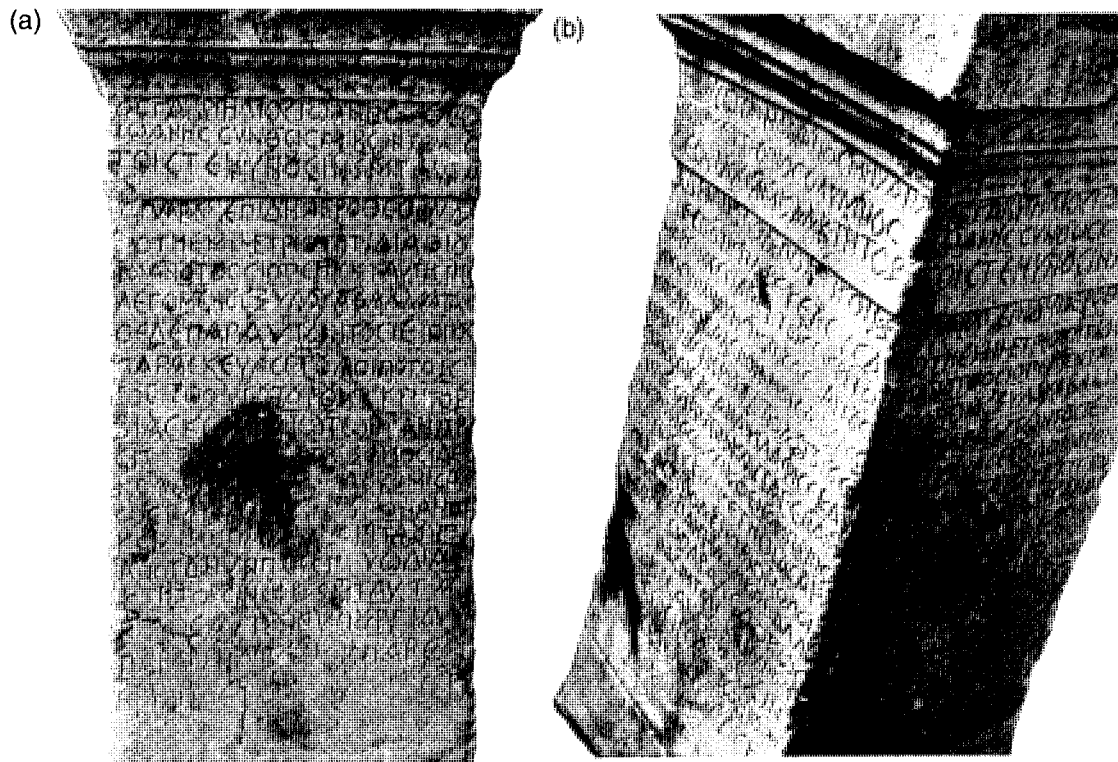


Fig.3.2 (a–b) Inscription from Honorias in north-west Asia Minor, mid-sixth century, recording imperial measures against abusive landowners (courtesy of Feissel 2010).

Aphrodito, in Egypt.²³⁸ We have already seen imperial legislation, including *Novels* by Justinian and Tiberius II (r. 698–705), targeted at the emperor's own officials, including estate managers; official malfeasance, in Justinian's reign, is attested by Evagrius,²³⁹ as well as by John the Lydian and Procopius. Nor, although clergy could be victims, as *Novel* 30.5 suggests, and notwithstanding the activities of Theodore and his like, did the Church as an institution or the administrators of the far-flung estates of, say, Hagia Sophia, appear to behave differently from other notables or the managers of imperial estates. So Procopius claims—with corroboration from Justinian's own legislation.²⁴⁰

The Honorias inscription is especially valuable: it complements other evidence for rural violence in Anatolia, including the difficulties in trying to eradicate abuses affecting the tax revenue.²⁴¹ The best example comes from Cappadocia, whether in terms of the mischiefs addressed—private armed militias abusing women, priests, imperial possessions, and other people's property generally—or of the language employed. In Cappadocia, these men were called 'spear bearers' (*doruphoroi*—a word with a long literary pedigree as 'bodyguard', especially to tyrants); in Pontus we find 'men bearing weapons' (*andres hoplophorountes*) similarly employed.²⁴² This complements what we know of similar problems from Egypt later in the century: from the *papyri*, dealing with the work of the 'River Watch' (*riparii*) in the suppression of banditry in Egypt (and possibly elsewhere);²⁴³ or the petitions of Dioscorus of Aphrodito in Egypt.²⁴⁴ He was molested not by magnates like the Apions, supported by technically illegal private militias (*bucellarii*), but by the allegedly illegal and violent tax encroachment of local officials, the pagarchs and their entourage, seeking the transfer of sown land to shepherds—who had secured official backing. This demonstrates for the sixth century what Libanius' *Oratio* 47 showed for the fourth: members of the lower orders might manipulate the system against their betters—if they had the right patrons. A variant on this theme is the way Dioscorus sought out, this time in defence of the fiscal autonomy (*autopragia*) of his village, Aphrodito, the support, or 'patronage',

²³⁸ n. 197.

²³⁹ *JN* 30.2, 3 (Cappadocia), *JN* 102.1 (Arabia), *JN* 8 (general), *NTibII* 5, Evagrius, *EH* 5.3.

²⁴⁰ *SH* 13.4, corroborated by *JN* 123.3 and 6, implies an over-zealous approach by the Church to tax collection and the financial affairs of others. For the estates of Hagia Sophia and the sometimes oppressive activities of imperial estate managers, see Kaplan (1992), 152 and Haldon (2005a).

²⁴¹ Hendy (1985), 100, correlates the troubled areas of Anatolia with areas of magnate concentration (and few major cities). His evidence comes from later centuries, and so is speculative, although plausible for the 6th cent.

²⁴² *JN* 30 (Cappadocia); *JEd.* 8 (Pontus). Cf. *JN* 85, preface, proscribing the private manufacture and ownership of weapons 'to prohibit the wars which men privately conduct against each other.'

²⁴³ Bagnall (1993), 61, 165.

²⁴⁴ *P. Lond.* V 1677; *P. Cairo Maspero* 67002, interpreted by MacCoull (1988), ch. 2.

of other members of the elite to oppose his own aristocratic foes. We can generalize further on the basis of *Novels* and *Edicts* dating from the 530s. These sought to reorganize government in Pisidia, Lycaonia, Isauria, Paphlagonia, and elsewhere, namely Thrace and Hellespontus, Armenia and Palestine, as well as Cappadocia, Pontus, and, on the testimony of Procopius, Cilicia,²⁴⁵ to deal explicitly with deteriorating public order, which went beyond magnate resistance to imperial authority or encroachment on others' lands.²⁴⁶

The extent of the problem emerges from Map 3.2, which still understates the difficulties of both police and military operations in often inhospitable territory, as well as their range: it excludes the Balkans, areas of Samaritan disaffection in Palestine, the West, Phoenicia—and, above all, Egypt, where following intense (religious) violence, many of the same remedies were adopted as in Anatolia. These included unifying the administration, combining military and civil commands, and providing for games in Alexandria.²⁴⁷ In this last case, the regime was taking vigorous action to prevent the empire losing the revenues of its most important province in terms of tax and corn yield—as the Western Empire had lost Africa in the previous century, with disastrous results.

The following summary makes clearer the closely related problems across the empire (excepting Italy and the West, with their own griefs, and Egypt) recognized in imperial legislation cited above, and the remedies there proposed.

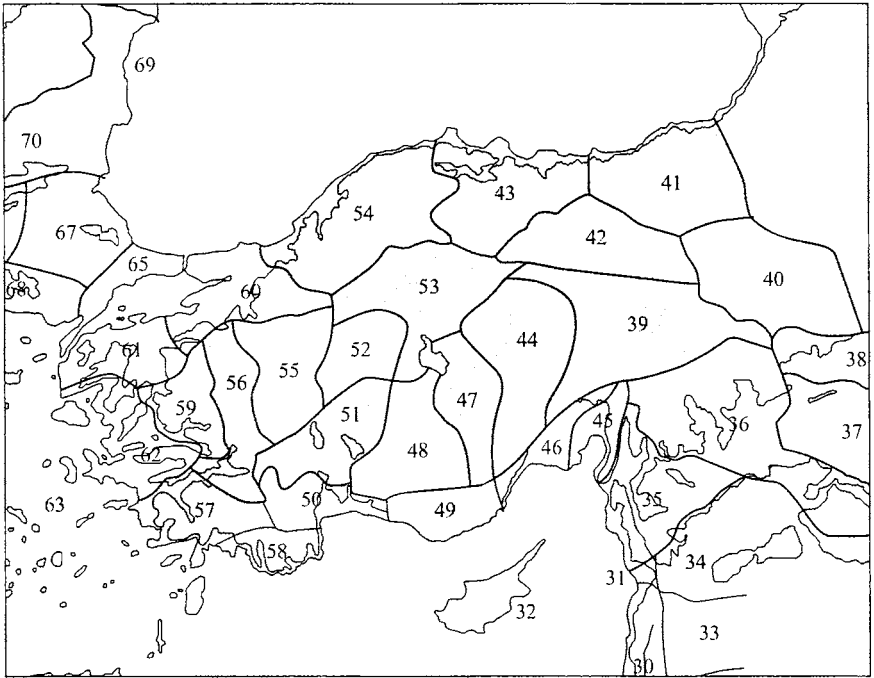
The *mischiefs* included:

- *Corruption in tax collecting*, resulting from the sale of offices and the need to recoup expenditures by successful candidates, leading in turn, through excessive exactions, to an inability to pay tax: e.g. *Novel* 8, a reforming novel of empire-wide import, and Cappadocia (*Novel* 30);
- *Armed resistance to civilian authority* on principle by Isaurians and adjacent Lycaonians (*Novel* 25);

²⁴⁵ SH 29.9.

²⁴⁶ JN 8, 24 (Pisidia), 25 (Lycaonia), 27 (Isauria) 29 (Paphlagonia) (all 535); 30 (Cappadocia), 31 (Armenia) (536); JEd. 8 (Pontus). JN 26 and 28 concern administrative reform in Thrace and Hellespontus. Since the remedy adopted was, in both, the unification of civil and military authority, dissent between the military and civil authorities probably also reflected public order problems. In Armenia (JN 31), the count of Armenia III was also to combine military and civil jurisdictions, (JN 31.2). Isauria, Pacatian Phrygia, Lycaonia, Pisidia were also placed under his military jurisdiction. That there were severe rural problems in Thrace, caused at least partly by military malpractice, is attested by JN 32 and 34. Palestine (JN 103) was atypically singled out for its loyalty and high tax yield, but the *Novel* refers to violent social conflicts in the past (over religion) and its governor is raised to the rank of *proconsul spectabilis* on the explicit precedent of the greater powers given to other governors who, 'formerly deprived of much of their authority, were not capable of acting with energy'. The proconsul was also to have command of soldiers, should this be necessary, and sole responsibility, even outside Palestina I, in matters of tax and sedition.

²⁴⁷ Egypt: JEd. 13 (539), 1, 2, 15.



- | | | | |
|----|---------------------|----|-------------------------|
| 39 | Armenia III (536) | 49 | Isauria (535) |
| 41 | Armenia I (536) | 51 | Pisidia (535) |
| 42 | Armenia II (536) | 53 | Galatia I (535/6) |
| 43 | Helenopontus (535) | 54 | Paphlagonia (535) |
| 44 | Cappadocia I (536) | 56 | Phrygia Pacatiana (535) |
| 47 | Cappadocia II (536) | 57 | Caria (536/7) |
| 48 | Lycaonia (535) | | |

Map 3.2 Extract, amended, from Map 1.1, courtesy of Haldon (2005b) showing areas (shaded) where provincial reform (535–6) appears linked with public order problems, and how much of Asia Minor was affected.

- *Lawless behaviour* encompassing factional conflicts, theft by local elites (*potentiores*) and their followers, including at the expense of Church and emperor: e.g. Cappadocia (*Novel* 30);
- *Sedition* in the cities and countryside (*passim*);
- *Food shortages*: e.g. Pisidia, Cappadocia (*Novels* 24, 30);
- *Inadequate command structures*, both administrative and military (*passim*).

The *remedies* reveal in turn further mischiefs, and are not confined to Asia Minor, but represent a tightening-up of administration generally and of imperial supervision. They include:

- *Tackling abuses and extortion*, including the (extortionate) sale of office as well as corruption more generally, not least because this diverted tax revenues into private hands, and generated great resentments: empire-wide legislation (*Novel* 8, and *passim*);
- *Improving the administration of justice* with an emphasis on (local) gubernatorial responsibility and activism; raising the status and effectiveness of *defensores* in the cities (*passim* and *JN* 15 (*defensores*));
- *Integrating military and civil commands*, though not in frontier areas where the commanders (*duces*) still had 'a real strategic task';²⁴⁸
- *Provincial reorganization*: Hellespont etc., Paphlagonia, Armenia (*Novels* 28, 29, 31);
- *Incentives for new-style governors* in terms both of status and emolument: Pisidia, Thrace, Isauria, Hellespont, Cappadocia, Palestine (*Novels* 24, 26, 27, 28, 30, 103);
- *Maintaining public works*, but *without* abusive forced labour and profiteering: Pisidia, Lycaonia, Thrace (*Novels* 24, 25, 26);
- *Maintaining food supplies* in cities: (*Novels* 24, 30);
- *Giving bishops a monitoring role in reporting fiscal etc. abuses* to the emperor: empire-wide (*Novel* 8, *Edict* 1, and the Honorias inscription);²⁴⁹
- *Legitimizing the 'New Order'* (prefaces to e.g. *Novels* 8, 24, 25, 29, 30).²⁵⁰

The regime thus sought to deal both with 'disaffection and the causes of disaffection' in ways which underscore the seriousness, in terms of both intensity and extent, of public order and related problems which the government faced on several dimensions: imperial authorities (including 'over-energetic' *curatores* of imperial estates as well as tax collectors) against the peasantry; notables (*potentes*) of all kinds against the more vulnerable (including lesser *potentes*); and, of more than local significance, local *potentes* versus the local representatives of the Church and emperor (including the imperial estate, the *res privata*). For the first of these, abuses by the imperial *apparat*, one of the most striking pieces of evidence is *Novel* 5 of Tiberius II.²⁵¹ This denounces the malpractice, including torture and forced patronage, of imperial estate managers against all categories of lesser landowners, farmers, tenants, and *coloni* in language that recalls Procopius—with the crucial difference that the emperor is here proposing remedies, but this time showing solidarity with the landed magnates whose estrangement had been a feature of Justinian's rule.²⁵²

²⁴⁸ Jones (1964), 282.

²⁴⁹ Ch. 6.3 for a fuller list of episcopal administrative responsibilities.

²⁵⁰ Perceptively analysed by M. Maas (1986).

²⁵¹ Ed. and tr. in Kaplan (1981).

²⁵² Again Sarris (2006), 222–7, for the 'seignorial reaction' of the late 6th cent.

Taken together—even if we pass over border raiding (e.g. by Arabs, Blemmyes, Nobades, Berbers in Egypt and North Africa, and from across the Danube frontier); the violent reconquest and pacification of Africa and Italy; persecution and disruptive military action against ‘heretical’ communities;²⁵³ responses to ethnic outbursts (Berbers, Jews, and Samaritans); other major invasions and wars (e.g. with Slavs, Persians, Goths); and the insight *Edict 13* gives into Justinian’s perceived need to reassert central government control in Egypt—then Kaplan’s phrase ‘l’anarchie justinienne’, like Procopius’ denunciations of widespread misgovernment, may be a pardonable overstatement for the state of much of Justinian’s empire much of the time.²⁵⁴

At the operational level, these reforms sought greater effectiveness in both military and policing terms. Those with experience of ‘low-intensity’ counter-insurgency operations understand the difficulties divided chains of command, or poorly coordinated ‘tactical areas of operations’ (TAORs), can cause. (In Northern Ireland, for instance, ensuring effective coordination between police and army operations, under the overall authority of civil government—above all in ways that were not politically counterproductive—was a perennial challenge, and helping to achieve it once central to my own work.²⁵⁵) In fact, the wider commands instituted by provincial mergers and the extended role of the count (*comes*) of Armenia III appear to recognize that ‘bandits’ did not confine their operations to provincial boundaries. The government needed to be able to deploy military resources more flexibly over a larger area. The more deeply, therefore, we probe the problem of violence in the countryside (and towns, which also feature in the *Novels* just cited), the clearer it becomes that (political) violence in the Eastern Empire was widespread, persistent, deeply rooted—and expensive to deal with.

It was also significantly, although not exclusively, the result of economic exploitation of lower by higher classes, sustained by a legal framework, which on balance supported landlord interests, where necessary by force. It also reflected the ambitions of members of the latter who sought to extend their influence and wealth at the expense of others of their class, including lesser landlords, and sometimes of the central government too. In response, locals (of varying classes and status groups) reacted in ways ranging from compliance and passive resistance to militant armed resistance, although we do not see—‘special cases’ like the Isaurians, Jews, and Samaritans apart—the large-

²⁵³ *SH* 11.14ff. See Ch. 4.3 for religious conflict.

²⁵⁴ Kaplan (1992), 173.

²⁵⁵ Kitson (1971) for the theory of ‘low-intensity operations’. Contrast the more integrated command structures in post-war British counter-insurgency operations in Malaya and Kenya: Townshend (1986).

scale peasant uprisings found, say, in pre-revolutionary Russia, pre-modern China or Japan.²⁵⁶

Evidence that at least some of these imperial initiatives did not succeed shows the seriousness and durability of the problems, arising as they did from some of the deepest-seated contradictions in the empire.²⁵⁷ An older school would not have been surprised; for them, imperial legislation was more likely to be evidence of a perceived problem in the capital rather than its solution.²⁵⁸ But one exaggeration must not replace another. Isauria, for instance, the subject of *Novel* 27, had last revolted as recently as the reign of Anastasius; the Hadrianopolis inscription refers to previous 'settlements' that had come to nothing,²⁵⁹ while the modest sanctions imposed according to the inscription there—weapons and horses to be confiscated, and landowners to promise to behave better in future—is not encouraging. Indeed, the restoration of vicars (*vicarii*) in Pontica in 548 or the appointment of a 'Preventer of Violence' (*biokolutes*) around the same time in five provinces of the Asiatic diocese, show problems remained.²⁶⁰ More interesting evidence is *Novel* 145 (553). This restricted military government, reinstating normal civil government in the two Phrygias and Pisidia and removing them from the jurisdiction of the *biokolutes*—or even the presence of his staff, whom the local bishops were to keep out of the town. One could present this return to the status quo ante as showing that a problem had been solved. However Justinian—not famous for underplaying his triumphs—does not say so. Closer reading of the text, which criticizes military behaviour, rather implies that the 'remedy' had exacerbated the disease: for a difficulty in dealing with such disorders is illustrated by other legislation which recognizes that enforcing the law with regard to local sentiment is a basic principle of effective policing, not least in promoting public order, the world over. Indeed, my work on the counter-terrorism side in Northern Ireland often involved advising the police and army on matters where short-term operational gains could risk alienating popular support from our broader objectives of ending political violence and building consensus on the political future of the province, or might allow an issue to develop around which people could be motivated to rally on the streets or to join paramilitary organizations. In other words, the measures taken must not, through being

²⁵⁶ For Russia, Figes (1989); China, Crone (1989), 76–7. In Japan, during the Tokugawa period, 1610–1864, some 3,000 peasant disturbances, some serious, many provoked by famine, are recorded: Collcutt (1988), 141. This was a 'peaceful' period in Japanese history, confirming that absence of full-scale war need not imply wider tranquillity.

²⁵⁷ Details, Jones (1964), 294. Stein (1949), 747–56, for undoing the reforms of John the Cappadocian. *JEd.* 8 restored the vicariate of Pontus for greater effectiveness against bandits.

²⁵⁸ e.g. MacMullen (1988). Harries (1999), ch. 4, shows such scepticism is excessive, but the regime knew of the problem of unenforced legislation: e.g. *JN* 161 (= *NTibII* 2), pref.

²⁵⁹ Feissel and Kaygusuz (1985); Feissel (2010).

²⁶⁰ *JEd.* 8 (Pontica), *biokolutes*, *JN* 145: Jones (1964), 294 and nn.

heavy-handed, be counterproductive and 'establish a bad precedent to seek for robbers'.²⁶¹ This had happened, for instance, in 354 when the lawful execution in the arena of captured Isaurian bandits led to open revolt.²⁶² Excessive severity seems to have been no less counterproductive on occasion in sixth-century Asia Minor than in twenty-first-century Iraq or Afghanistan.

SECTION 3—RURAL PATRONAGE AND CITY–COUNTRY RELATIONS

Rural patronage

Any account of social conflict must note, however summarily, two further relationships affecting rural conflict, if only to prevent our model lapsing into a simplistic dichotomy of 'rich vs poor', or even '(rich vs rich) vs poor'. We have already briefly noted the salience of one, rural patronage. But it emerges most clearly from legislation from the fourth century onwards seeking to restrict it, predictably when it worked against revenue collection.²⁶³ From one perspective, it demonstrates a form of resistance or 'flight'—Hirschman's terminology again—from exploitation to a patron from whom the client benefited, if only by more bearable exploitation, since avoiding paying or paying less tax was an important motivation in seeking a patron. As the *Theodosian Code* put it: 'in order to evade paying tribute, they (*sc.* farmers) have taken refuge, via the usual fraud (*solita fraude*), in patronage'.²⁶⁴ Of its nature, it depended on inequalities between patron and client.

This institution might radically affect relationships between exploiters and exploited. Patlagean saw Libanius' complaint over how his tenants played military patrons against him as an example of the kinds of abuses at which, for instance, *Novel* 24 (on Pisidia) was targeted two centuries later: 'the large, free villages, who often are in revolt against the imposition of taxes . . . and are full of murders and brigandage'.²⁶⁵ This, she believed, was evidence for lawlessness in mountainous areas that combined the aggression and resistance

²⁶¹ *CJ* 9.39.

²⁶² *Amm. Marc. RG* 14.2.1.

²⁶³ e.g. *CTh.* 11. 24.4: *CJ* 2.13, 11.54.1, *JN* 17. Patlagean (1977), esp. 287; Lemerle (1979), 11–12; Kaplan (1992), 135–6. Sarris (2006), esp. 181–94, also recognizes its importance, like Jones (1964), 775–8. De Zulueta (1906) remains invaluable. A key 'literary' text is *Lib. Or.* 47. Heather (1994) emphasizes the power (and wealth) local patronage brought. Patronage *as such* is not targeted in legislation.

²⁶⁴ An ambiguity noted by Wallace-Hadrill (1989). Official malpractice denounced in *JN.* 32–5 (Thrace and Illyria), also in e.g. *CTh.* 11.24.4; *NTibII* 2.

²⁶⁵ Patlagean (1977), 291–4; *Lib. Or.* 47.

of peasants *plus* the impunity that the local *potentiores* and a difficult terrain could give them. Why she should think only of mountainous areas, except because there policing was harder, is the only point in her argument that one might question.

For lawlessness was widespread and brigandage endemic. The latter existed in the interstices of Roman society everywhere to the extent that it was legally distinguished from 'ordinary' criminality.²⁶⁶ To succeed, it normally required at least the acquiescence of those amongst whom bandits operated. Note, first, how provincial law enforcement (and revenue collection) remained, especially in areas without large military garrisons, in the hands of local notables, variously described in their policing roles for example, as *eirenarchs*, *pagarchs*, *paraphylakes*, or *riparii*. The first of these the *Justinianic Code* describes as 'suitable men who shall be appointed from city councillors by provincial governors to protect the provinces and through each district establish peace, tranquillity and concord'. Such men also had a general, and potentially conflicting, interest, on the one hand, in increasing the number of their own clients (and wealth)—even sometimes through violent means and at the expense of peasantry, Church, and imperial authorities—and, on the other, in their duty to maintain public order.²⁶⁷ We have already seen such behaviour in Anatolia and Egypt.

Second, note the corresponding need of the same imperial authorities to prevent, if possible, those 'enforcing classes' from having 'armed servants or militias or "Isaurians"'²⁶⁸ on their estates or by their sides' at risk of very substantial fines (100 lb of gold), loss of rank and office, and even death—a threat which we have seen did not deter the Apions.²⁶⁹ We can reasonably infer that such '*bucellarii*' were employed partly to keep tenants and labourers in their place, subject to their traditional masters, but also to prevent their being 'stolen' by other local notables who might 'protect' them more effectively from the tax collector, as well as extend their own masters' lands and patronage.

²⁶⁶ *Dig.* 48.6: the law on public violence. One could sketch for late antiquity the kind of analysis of banditry in the modern period written by Hobsbawm (2000), or for the principate by Shaw (1984), and MacMullen (1966), app. B.

²⁶⁷ Evidence in Jones (1964), 725–6 with nn. *ad loc.* Description of *eirenarchs*: *CJ* 10.77.1. Hopwood (1989) on this combination of weakness and potential conflict of interest.

²⁶⁸ The inhabitants of Isauria, a remote province in S. Asia Minor, had a reputation for incivility and violence.

²⁶⁹ *CJ* 9.12.10. cf. *CJ* 9.39 against concealing robbers etc. Prohibition of individuals' possessing weapons (or prisons!) is a regular feature of the *Codes* (*CTh.* 15.15.1; *CJ* 11.47.1), implying the abuse existed generally. For the threat from 'bandits': *Dig.* 48.6.1–11 (permitting the use of weapons against them); *CJ* 9.16 (absolving killers of robbers etc.); *CJ* 3.27 (asserting the right to resist brigands and deserters).

Taken cumulatively, our evidence shows first, that 'bandits' were not 'social bandits' on the side of the oppressed, like the Robin Hood of legend;²⁷⁰ and second, that rural violence involving 'bandits' was pervasive, both geographically and over time—with no significant differences appearing between, say, the Syria of Libanius and the sixth-century Syria, Anatolia, and Egypt of Justinian, whence 'bandits' set out to raid Palestine.²⁷¹ That the patriarch of Antioch, Severus, could 'borrow' a 'bandit chaser' (*lestiodioktes*), Conon, from his commanding officer, implies a (continuing) bandit problem in Syria. (It also shows how an ecclesiastical magnate, just like an Apion, could make use of imperial forces when it suited him.²⁷²) It brings out how important was the quasi-symbiotic relationship of landowner and 'bandit', which could work *either for or against* peasants' interests. Thus 'protection', supplied by those—including 'bandits'—in the service of landowners, provided an important element in the resistance of those, in the lower classes, who worked the land against *some* of the groups who were exploiting them, whether the state, powerful ecclesiastics, other landowners, or even 'real' bandits²⁷³—the 'mountain men', to use an Irishism—from Isauria, nomads on the frontiers, and, more generally, those 'living lawless lives', the *ataktous biountas*, the 'outlaws' who turn up in legal texts. Also important, to judge from the legislation, was how patrons could enable their clients to avail themselves of legal remedies theoretically open to them, but which, unaided, they probably lacked the local political clout, or the money, to start.²⁷⁴

The price paid is harder to divine, though the gifts that Libanius' tenants made to the local army commander (*dux*) to secure his support, including in court, against their landlord, offer clues.²⁷⁵ It is no clearer what Libanius received in return for his protests against peasant forced labour or military imprisonment. *Codex Justinianus* 2.13.1 offers a further clue when it forbids the use of patronage, by way of favour or in return for money, in lawsuits.²⁷⁶ Another emerges from legislation which seeks to prevent fraudulent transfer of ownership of land to a patron to evade tax.²⁷⁷ Finally *Codex Justinianus* 2.14.2, 2.15.1, and 2.16 address situations where individuals falsely claim

²⁷⁰ Hobsbawm's term (2000), ch. 2, for 'progressive' bandits, who allegedly only robbed the rich to give to the poor.

²⁷¹ Choricus of Gaza, *Or.* 3, praises Stephanus, the 'hero' of *JN* 103, for dealing with them effectively, and also clearing bandit-infested roads in Palestine.

²⁷² *PRLE* II.164 s.v. Calliopos, a deputy 'master of the soldiers' (*magister militum*, roughly general) and correspondent of Severus, who was Conon's CO.

²⁷³ On whom, see the evidence cited in Patlagean (1977), 297–9. Hopwood (1989) for the fortifications erected, apparently by landowners, in Cilicia to protect their tenants and/or their own estates. Also in Apamea in Syria: Foss (1977).

²⁷⁴ n. 279.

²⁷⁵ *Lib. Or.* 47 (cf. *Or.* 39). *Or.* 45 and 50, for Libanius as patron.

²⁷⁶ *CJ* 2.15 addresses similar malpractice.

²⁷⁷ *CJ* 11.54; cf. *CJ* 11.56.

property in the name of notables, high officials, or the emperor himself (presumably with the connivance of officials) to intimidate the rightful owner. One can imagine Libanius' tenants or those illegally appropriating properties in Anatolia behaving thus.²⁷⁸ The seriousness of the abuse is reflected in the seriousness of the penalty for 'plebeians'—death, flogging, or the mines.²⁷⁹

Clearly rural patronage—just one aspect of the all-important, and universal, institution of patronage at all periods of Roman history—was and remained pervasive, and one which extended to imperial estate managers (or *curatores*). No less clearly, its details varied in place and time in ways which are obscure, while the boundary between a 'master's power' (*domini potestas*) and a 'patron's care' (*patronalis sollicitudo*)—both of which are linked, as we saw, in legislation on the colonate—remains ill-defined, as it was almost certainly in practice also.²⁸⁰ It could provide, therefore, security; protection against the state, other potential patrons, and the kind of bullies we saw operating in Honorias and elsewhere; legal redress for clients at the price of revenue, status—and power—for patrons (and a potential loss of the same for the regime). It could also include moneylending to peasants in bad years, from which the lender, who could be in the government service, might benefit from the financial profit, the seizure of his debtor's lands, or their prolonged financial and social dependency.²⁸¹ Against this background, the distinction between free and adscript *coloni* or indeed free peasants becomes still more academic. On balance, the institution of patronage also added to the centrifugal forces operating in the empire in that it reduced the power of the centre, the imperial administration, over its subjects.²⁸² And, while it may have mediated some conflicts, it exacerbated others. On balance, we should regard it as exploitative.

City and country

Individual cities varied greatly both in size and in social, economic, and political importance; Map 3.3 gives some idea of their scale and distribution. Yet they remained, collectively, central to the political, economic, and religious life of the empire and its inhabitants.²⁸³ Notwithstanding the services they continued to provide for the countryside, the varying importance in each city

²⁷⁸ Lib. Or. 47, JN 30 (Cappadocia).

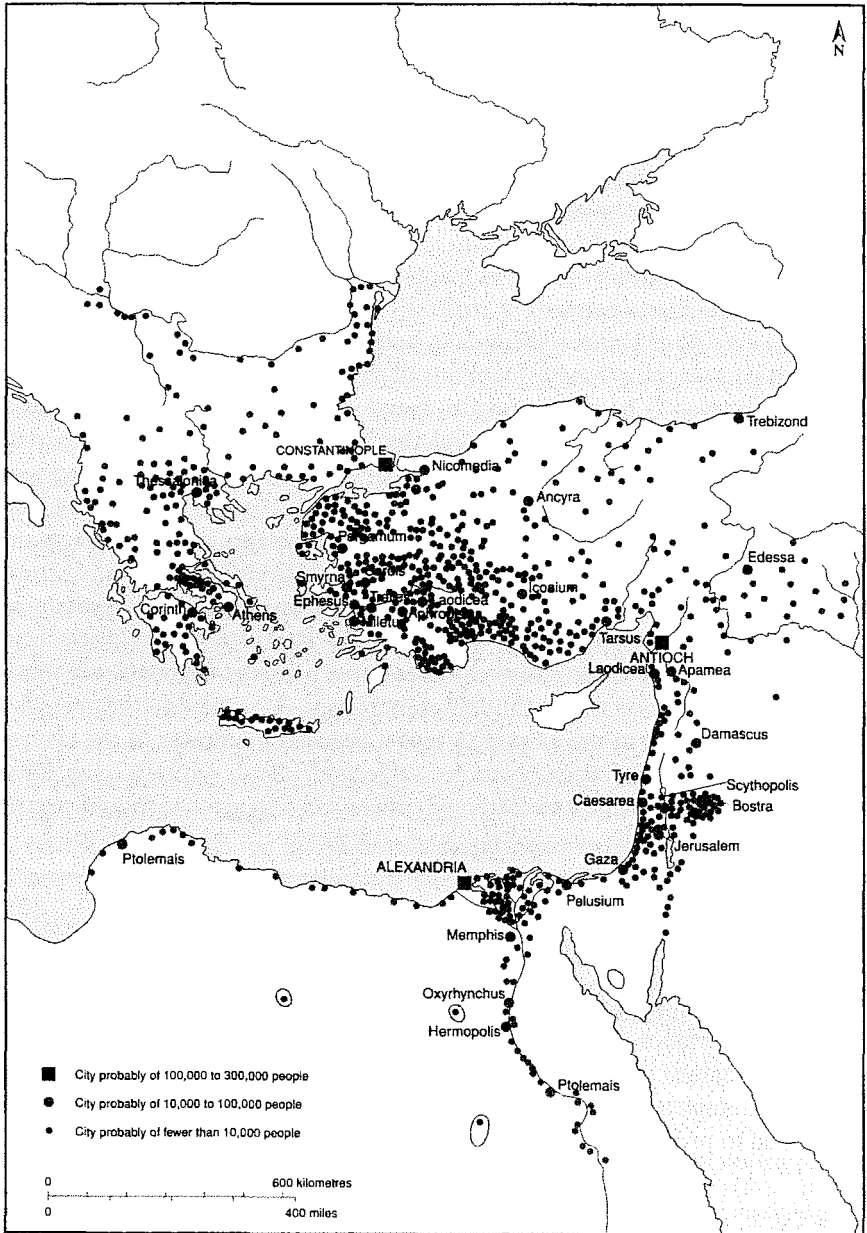
²⁷⁹ NTibII 4.

²⁸⁰ Mirković. (1997) 17–24.

²⁸¹ JN 32–4 concern extortionate moneylending, apparently by the army, in Thrace and Illyria.

²⁸² De Zulueta (1906).

²⁸³ Whittow (1990) for their continuing economic and social centrality, notwithstanding their political transformation, on which see Liebeschuetz (2001b). EHB (=Laiou 2002), 177–83, and



Map 3.3 Cities of the Eastern Roman Empire, fifth–sixth centuries (from Haldon (2005b)).

of trade or manufacture, or the changes in late antiquity in their political structure and culture, the relationship between town and country can also be broadly characterized as exploitative—this time by city dwellers as a *class* in relation to country people.

One might object here, first, that there is good evidence of villages flourishing in our period, at least up to the 550s, and often beyond.²⁸⁴ But this primarily reflects close, even symbiotic, links between city and countryside. It does not follow that rich cities were not exploiting (relatively) rich rural communities. Even were the late Roman countryside generally prosperous, this by no means entailed one with less inequality.²⁸⁵ Indeed the growing strength of the great estates, which increased such inequality, was an important engine of prosperity, along with taxation.²⁸⁶ But is it still not absurd, you may object, to regard the cities as a *collectivity* as exploiting anyone, slaves apart, since within the city the upper strata, the powerful, the *dunatoi*, could and did also exploit the lower orders within them, most obviously by the manipulation of prices during the periodic shortages endemic in the ancient world and through rents, while many of the artisans in their workshops (or *ergasteria*) were tenants of the rich, rather than independent proprietors?²⁸⁷ However, if we think in terms of greater and lesser, more vulnerable exploiters—whether of the countryside by ‘lower orders’ within the cities, or of the upper classes within the towns and cities exploiting both the urban and rural lower classes—this objection loses its force.

This does not, however, mean overlooking conflicts of interest between the wealthier and poorer sections of this urban ‘exploiting class’; these could prove explosive.²⁸⁸ Some eighty urban riots throughout the empire were significant enough to be recorded between the fourth and seventh centuries.²⁸⁹ These mainly concerned shortages of bread, oil, or wine, but mass urban discontent could target the upper classes in Justinian’s Constantinople, just as in Libanius’ Antioch. Indeed, one can map the changes in the power relationships between rich and poor, notably in the post-plague period, by the fluctuations in the exchange rate between the gold *solidus* and the copper *folles*. A proposed change in this rate—to the disadvantage of the *folles* and the poor—nearly

Kaplan (2009), 147–9, remind us not to overlook the large villages, sometimes better understood as small towns.

²⁸⁴ e.g. Liebeschuetz (2001b), 63.

²⁸⁵ Banaji (2007) and Sarris (2006).

²⁸⁶ See also Holum (2005), 100.

²⁸⁷ Finley (1985) deploys similar arguments against the class analysis to be found in de Ste Croix: see Ch. 2. Kaplan (2009) for *ergasteria*. Fig. 5.3 (a–c) offers a contemporary illustration of urban life—including an *ergasterion*.

²⁸⁸ See Ch. 4 for how factional rivalries (and between the churches) helped defuse such tensions.

²⁸⁹ Noted in Patlagean (1977), ch. 5, pp. 203–31.

led to violence in 553.²⁹⁰ We do not know the precise circumstances, but Evagrius, a local man, describing events in Antioch in 573, illustrates social tensions seething below the surface there—and by implication elsewhere also. The Persians had been repulsed, but only after:

The populace had rebelled in its desire to begin a revolution (*neoteron pragmaton*) as is accustomed to happen and particularly at such moments.²⁹¹

Later, in 608, rioters in Antioch 'killed many men of property and burnt them'.²⁹² Whatever underlies such incidents—the breakdown in established systems of social control following military defeat is a promising (partial) explanation—they warn against discounting underlying tensions (even 'struggle') within cities, even if some may prefer to describe these in Aristotelian terms as between 'rich' and 'poor', rather than in those of class.²⁹³ But such arguments do not show that the cities, considered as collectivities, and notwithstanding their internal conflicts, did not exploit the countryside.

Generalizations are hazardous here too. But no one questions the differences in status (and wealth) between various strata of urban populations from the *potentiores*, including increasingly bishops, downwards, ultimately to slaves.²⁹⁴ But all lived, in varying degrees, off the peasantry in so far as their income or sustenance came directly or indirectly, in larger or smaller amounts from rents or taxes.²⁹⁵ (Note that, aspects of defence and policing apart, the beneficiaries of taxation enumerated in *Novel* 149 are primarily *urban* residents of all statuses: even the urban poor would benefit from baths, public shows, and improved urban defences.) Christian charity also tends to show this: its urban recipients, not necessarily the poorest, were the ultimate beneficiaries of transfer payments from donors whose own incomes and wealth came predominantly, directly or indirectly, from the land.²⁹⁶

An important qualification to this analysis comes from a blurring of the distinction between town and country in our period through the

²⁹⁰ e.g. *Lib. Or.* 19.32; *Mal.* 468. Sarris (2006), 225–7 who illustrates and analyses rate changes.

²⁹¹ Evagrius, *EH* 5.9, tr. Michael Whitby. *My* italics.

²⁹² Theophanes, *AM* 6101.

²⁹³ In cosmopolitan Alexandria conflicts seem to have been primarily in community (religious, ethnic), rather than class terms: Haas (1997). For this, and similar conflicts, the approach in terms of 'group behaviour' explored in Ch. 4 may be more helpful.

²⁹⁴ As an example of such hazards, note the 'upper' slaves, for example, working in weaving and dyeing works across the empire, East and West, who were *de facto* free: Jones (1964), 836.

²⁹⁵ Those living primarily off trade would be a partial exception. And some taxes, notably customs duties, were not agriculturally based.

²⁹⁶ Support for this analysis is provided by the persistence of the corn dole in Constantinople, by no means restricted to the genuinely 'poor'. For further evidence of the critical role of 'the gift', ultimately 'squeezed' from the land, in remedying the inability of the market to supply basic wants: Patlagean (1977), ch. 5.

'construction',²⁹⁷ especially in Christian sources, of a class of 'poor' without reference, as in the past, to their status as citizens of a particular city.²⁹⁸ This is best illustrated by the well-attested movement, recognized in legislation,²⁹⁹ of individuals from the countryside to the town in response to invasion, famine, expropriation, tax collectors, hoped-for self-betterment, or, in the case of those following the immemorial traditions of the countryside, people seeking casual employment in the fallow periods of the agricultural year.³⁰⁰ We have already seen, for instance, how the governor, army, and Church helped the starving country people in Edessa in 499–502—although apparently only after they reached the city. The responses postulated by Hirschman again sharpen our focus.³⁰¹ We have already addressed 'loyalty' and 'voice'. But we have largely neglected 'flight', other than noting that a feature of both the Theodosian and Justinianic *Codes* dealing with the colonate was that tenants be tied to the land—implying 'flight' was a real option for peasants (and a problem for landowners and the fisc), and we possess papyrological collateral for fleeing *coloni*.³⁰² The implication of this and later legislation, not least the requirement that a landlord harbouring a runaway had to pay his poll tax (or *capitatio*) for the period he worked for him, is that the *colonus* was fleeing to a 'better' master or patron from either an imperial or private estate. But he might also flee to a monastery, brigandage, or a town, as the legislation recognized.³⁰³ This is plausible a priori: that some at least should leave the land, preferring the uncertain livelihood that casual labour, begging, or even crime might afford in a city to the known miseries of the countryside, is a well-known phenomenon today, whether in the Third World or in emigration to richer countries. But so too is the fact that some families did profit in the long run, as is also clear from legislation.³⁰⁴ The *Theodosian Code* regularized this anomaly by providing that, if after thirty years, fugitives were not apprehended, they became free. Part of the motivation for this law, judging from *Novel* 27 of Valentinian, is that palace officials and others, including

²⁹⁷ Brown (2002), ch. 2. 'Construction' since the poor had always been there. They now became significant in their own right and a focus of governmental concern.

²⁹⁸ Patlagean (1977), 181–96; P. R. L. Brown (2002). They were, now, all citizens of their common fatherland, Rome (*Dig.* 50.1.33).

²⁹⁹ e.g. *JN* 80.

³⁰⁰ A generalization based on the fundamental agricultural character of ancient civilization but with documentary support: e.g. from classical Athens, whose accounts reveal a high correlation between expenditure on building projects and slack times in the farming year: (Osborne (1987), 13–16). Lib. (*Or.* 50) suggests Antioch could not even meet day-to-day requirements for pack animals from its own resources.

³⁰¹ See Ch. 2.

³⁰² e.g. *P. Oxy.* 1845 (in Sarris 2006), concerning the arrest of two runaway bricklayers.

³⁰³ The *Codes* also deal with the extraction of runaways from monasteries: Patlagean (1977), 301–40, for the importance of monasteries, not least in harbouring those whose choice of the monastic life might not be wholly religious in motivation, and the wider phenomenon of internal migration. *JN* 80 identifies the flight of many farmers to the capital as a social evil.

³⁰⁴ *CTh.* 5.18; *NVal.* 27 and 31.

Silentiaries, were being reclaimed because their ancestors were runaways! We may presume that this form of social mobility would chiefly take place through cities. *Stadtluft*, as the medieval saying went, *macht frei*: 'City air makes a man free.' That many individuals continued to avail themselves of the 'Thirty Years Rule' seems likely, since Justinian abolished it.³⁰⁵

On the other hand, the model of the 'consumer city', which we owe largely to Max Weber and Moses Finley, must not obscure the non-economic benefits that the city provided in return for the rents, taxes, and agricultural produce it extracted. These include the religious, legal, military, administrative, sexual, and medical services it provided for country dwellers, as well as the manufactures it could provide.³⁰⁶ One can also find evidence from the fourth to sixth centuries of officialdom seeking to counteract, not necessarily with complete success, the effects of agrarian distress: in 384, the governor of Syria (*consularis Syriae*) gave relief from public funds following an influx of 'beggars, some of whom had left their fields'.³⁰⁷ Similarly, under the year 499/500, we saw Ps.-Joshua reporting the relief measures of the imperial authorities in Edessa. Nor was such benevolence wholly unreciprocated: John Chrysostom, for instance, records how, in contrast to the often edgy relationship between the urban-based bishop and rural monks and holy men, who might not even speak the same language as their urban colleagues, monks appeared in Antioch in the wake of the 'Statues Affair' of 387 to give comfort and reassurance, as if 'they had been angels arriving from heaven'.³⁰⁸ Joshua claims that it was his bishop, Mar Peter, who took the initiative in lobbying the emperor to waive taxes in the face of evident, primarily rural distress. Finally, there were the (short-term) benefits brought to the countryside as a direct result of Justinian's building and refurbishment programmes throughout the Eastern Empire. In such cases, the transfer payments involved for labour and raw materials will have benefited many country dwellers through their provision.

Yet it remains easier to adduce counter-examples. We need not suppose that the basic town-country relationship was, in general, any more or indeed less benign in the sixth than it had been in earlier centuries. Then, the medical writer Galen had provided a description all the more harrowing in that he is concerned not with politics or social conditions, but with the medical consequences of poor diet:

Those who lived in the cities [*sc.* in order to store up food for the whole year] took all the wheat from the fields, along with the barley, beans and lentils, and left the peasants the leguminous crops which they call pulses, although they took a great deal of these too. The country folk... had to make do with an unwholesome

³⁰⁵ *CJ* 11.23.

³⁰⁶ Horden and Purcell (2000), 105–12. Even relatively humble people could avail themselves of legal remedies against certain types of exploitation: see section 'Mediating Factors'.

³⁰⁷ *Lib. Or.* 27.6.14.

³⁰⁸ John Chrysostom, *On the Statues* 17.2.

diet... eating shoots and suckers of trees and bushes, and bulbs and roots of unwholesome plants.

By contrast, the routine use of state force against city dwellers was not a feature, except *in extremis*, of urban life as it was for country dwellers.³⁰⁹ Against Libanius' idyllic representation in his *Antiochicus* of happy villagers with no need of the city—and the archaeological evidence of relative prosperity from (some of) those excavated villages—we can set his denunciation of the requisitioning of pack animals when the same joyful peasants visited the city for market and, given the apparent prosperity of much of Antioch's hinterland in the sixth century, these comments are once again easily transferable to our own period.³¹⁰ Against his extolling the city-based patron-landowner who could raise his hand to help his rural tenants (including, presumably, through helping them resist tax collectors), we note in the same speech that he is protesting bitterly at the success of his own tenants in playing new military protectors off against him.³¹¹ More fundamentally, during those food shortages that could so often lead to a massive influx of destitute people from the countryside, food was normally available—at a price. In reality, famine in the sense of a total absence of food appears rare³¹²—rather as Ireland remained a net food exporter during the worst of the Great Famine of 1845–9. But it was either in the storehouses of the (urban) rich, such as those next to their mansions, now excavated in Caesarea,³¹³ or, when in short supply owing to failed harvests and the well-known difficulties of overland transportation, it was still to be bought by those with the necessary purchasing power. Famine was made worse, rather than caused, by economic exploitation.³¹⁴

Given the rich evidence from fourth-century Antioch or the emphasis on securing food supplies in, say, sixth-century Anatolia in *Novels* 24 and 30, it would be wrong to conclude that we were necessarily seeing in Edessa, earlier in this chapter, examples of subjective malice. Rather, a crisis illuminates flaws in the system—and in whose interests it operates. It also reveals, in contrast to the self- and class-serving rhetoric of Libanius and many imperial constitutions, the often-submerged character of inter-class conflicts, with both the imperial authorities and the local landowners pursuing their economic interests, until they were induced or forced to modify their practices. Even then, they were still arguably serving their long-term interests: preventing the further destruction of their tax or rent base, while demonstrating their philanthropy—and legitimizing their social position.

³⁰⁹ Galen 6.794, in MacMullen (1974), esp. ch. 2. Duncan-Jones (1994), 25–6 endorses his view. cf. Liebeschuetz (1972), 118, and more generally for conditions in Antioch. Also Mitchell (1993) vol.i, ch. 11.

³¹⁰ Lib. Or. 11, 50.

³¹¹ Lib. Or. 47.

³¹² Garnsey (1988), 271.

³¹³ Holum (1996 and 2005).

³¹⁴ This linkage is not confined to antiquity: Amartya Sen (1997).

It is unsurprising, therefore, that relations between town and country could be—literally—murderous. Libanius regards it as unremarkable, ‘a matter known to all’, that ‘bandits’ had closed some roads out of Antioch.³¹⁵ Also common knowledge was the miserable fate in the countryside of many refugees from the city following the ‘Statues Affair’ of 387.³¹⁶ Comparable sixth-century evidence suggests such phenomena reflected a basic and persistent social conflict, exacerbated sometimes by poor harvests or transportation and certainly made worse by the adversarial relations of production in the late antique world. We see this in Malalas’ account, for example, of the massacres of refugees from earthquake-stricken Antioch in 524; in the *Life of St Nicholas of Sion*, when villagers stop coming with food to the plague-stricken towns of the coast, so that the governor, backed by the archbishop, seeks to arrest the saint, suspected of being behind this boycott, and to bring him to the provincial capital to be dealt with;³¹⁷ and in the stand-off, already discussed, involving peasants and a landlord in the *Life of Theodore of Sykeon*. In these two last examples, tensions between town and country are also reflected in the Church.

In short, evidence of (occasional) benign behaviour on the part of cities and of the imperial authorities to their rural hinterlands (and vice versa) does not modify fundamentally our basic model of exploitation, in and of the countryside. It is the same exploitation considered here in geographic terms, but reflecting the urban power base of the exploiting classes. An analysis that does not recognize this will be incomplete. Consider the following:

We shall not discover in the movements in the countryside any explicit motive of peasant intolerance of the burdens which became here and there excessively heavy. Indeed, resistance to taxation . . . the preference given to the local potentate over the distant emperor are manifestations in different forms of the same ancient reality: both of the antagonism of the country-side where most goods were produced to the cities which were the seat of political power, and of the further antagonism of the provinces and the capital which were separated by all sorts of differences.³¹⁸

Patlagean well understood, as this extract shows, the hostility between city and country and of many of the other phenomena of rural conflict—indeed she provides massive evidence of it in her classic study. But the ‘ancient antagonism’ between town and country is not an explanation on its own; it is something to be explained. However, because she explicitly dismisses *economic* exploitation, she cannot satisfactorily explain, as opposed to describe, what is happening—even though, in rightly seeing the city as the seat of *power*, she comes tantalizingly close. Here our more sociologically informed model, enabling us to treat this as the *power to exploit*, provides insights a less theorized approach cannot.

³¹⁵ Lib. Or. 50.

³¹⁶ Lib. Or. 23.

³¹⁷ Mal. 420. *Life of St Nicholas of Sion*, 52–3.

³¹⁸ Patlagean (1977), 296.

Two Empire-wide Conflicts: The Factions and the Christians

A differentiation arises between ourselves, the we-group, or in-group, and everybody else, or the others-group, out-groups. The insiders in a we-group are in a relation of peace, order, law, government, and industry to each other . . . one's own-group is the centre of everything, and all others are scaled and rated with reference to it . . . Each group nourishes its own pride and vanity, boasts itself superior, exalts its own divinities, and looks with contempt on outsiders.

Sumner, *Folkways*

They are evil. We are good.

US president, George W. Bush (September 2001)

INTRODUCTION

Chapter 3 focused on conflicts over wealth and power, set in the frame of the wider political economy; these we modelled primarily in terms of inter- and intra-class conflicts. Yet not all sixth-century social conflicts turn on class: those we investigate here cut across these categories. They still reflect, however, both the class and status hierarchies of the late empire, and the interest of the factions' patrons, bishops, or emperors in obtaining or consolidating power. Hence, to understand the conflicts of the circus and theatre 'factions'¹

¹ The inverted commas, not repeated in keeping with contemporary practice, recognize Alan Cameron's point (1976, 14) that *factio* is never used in the sources for what we call the '(circus and theatre) factions'. These were originally corporations providing the wherewithal for sponsors of games etc. in the circus. (The Greek translation *meros* is of wider application.) Although I sometimes refer to the 'factions' in the technical sense of those responsible for the organization, finance, etc of the games, I shall primarily be writing of their hard-core supporters (*stasiotai*), plus the wider fan bases and supporters of the 'colours'.

or the religious struggles culminating in the schism of the 'Miaphysites', we need additional, though complementary, analytical tools. These we find in contemporary social psychology, which also brings out just how much these two sets of conflicts had in common, and explains why they are treated together in one chapter.

SECTION 1—SOURCES AND METHODS

The problem of the sources: The factions and the Christians

The literary sources for *factional conflict* suffer from their elite perspective; they condemn popular entertainments for vices which include alleged sexual immorality, or as constituting a grave threat to public order (and upper-class interests).² This reflects an overwhelmingly hostile literary tradition that, Fronto excepted, goes back to at least the first-century Roman poet Juvenal, author of the classic dismissal of popular aspirations (and the games):

the Roman people only want one thing, bread and circuses.³

Rioting, in the theatre or circus, is covered by normally brief, not necessarily innocent, notices in chronicles focusing on spectacular incidents, chiefly in Constantinople, Alexandria, and Antioch. Accounts of the Nika Riots in 532 may be fuller; the trigger was the botched execution of miscreants from both the main factions which united them against the regime until the subsequent rioting was finally suppressed by a massacre led by the generals Belisarius and Mundus—after much of the capital had been burnt and the emperor was on the point of fleeing for his life. After this, the factional scene seems to have calmed down until the last years of Justinian's reign, then again intensified in the early seventh century during the troubled reign of Photius. Beyond that, the 'facts' remain under construction—a process impeded by imprecision (and hostility to Justinian and the factions) in our prime literary source, Procopius.⁴

² Volatility of the populace (*demos*): Evagrius, *EH* 2.8; Amm. Marc. *RG* 22.11.3 (Alexandria); Socrates, *EH* 3.17.4, 4.20 (Antioch); Theophylact, *History* 8.19 (Constantinople). 'The popular element' (*to demosion*) as an expensive threat to peace: John the Lydian, *On Magistracies* 2.15. Also Patlagean (1977), 223–5. For Fronto, see subsection 'Setting the scene 1'.

³ Juvenal, *Satire* 10.81. Alan Cameron (1976), 174, notes that Juvenal's remark is echoed, for Alexandria, by his near contemporary Dio Chrysostom (*Or.* 22.31). It seems to have been a commonplace—which does not mean it was not true.

⁴ Lack of innocence: e.g. Marcellinus Comes, *Chron.*, a. 532 blames Anastasius' nephews for the Nika disasters without mentioning the factions: see ed. Croke *ad loc.* Major incidents: e.g. Marcellinus Comes a. 532; Mal. 235–6, 260–2, 275–81, 288–90, 293–5, 298–307; *Chron. Paschale* 144 (ed. Whitby and Whitby); Theophanes Confessor, 412–14, 423, 425–8; John of Nikiu, 164–78. Also Proc. *SH* 7; *Wars* 1.24; Bury (1897); Greatrex (1997).

He was not alone: the sixth-century dialogue *On Political Science* offers a near-hysterical lament over the damage, comparable to civil war, that it claims the factions cause. The author imagines a painting in which ‘the cities stand round their mother and queen (*sc.* Constantinople), abused by their children, and telling each other of the violence and insults they had suffered from within’.⁵ Even former faction activists (*stasiotai*) bewail their youthful enthusiasms.⁶ In the West, similar criticisms are attributed to the Gothic king Theodoric.⁷ The views of Christian leaders on the ‘Church of Satan’ are predictable.⁸ Only one (later) sixth-century writer, Corippus, can be regarded as enthusiastic, writing of the ‘joyful pleasures of the circus’, although Choricus of Gaza also puts in a good word for the mimes.⁹ These pleasures included gambling: we have an early sixth-century gaming machine, illustrated in Fig. 4.1, which was found near the Hippodrome in Constantinople. It reproduces a chariot race and the imperial box. Meanwhile the origins of the factions, and the reorganization in late antiquity that gave them greater prominence, remain obscure.¹⁰

The evidence for *religious conflict* is scarcely better. Voluminous, certainly—but often polemical, with gaps at crucial places: the Acts of Chalcedon (451), for instance, carefully fail to explain how unsympathetic bishops were signed up to the Orthodox confession of Christ ‘in two natures’, although this was clearly the result of direct imperial pressure, sometimes in unminuted private sessions, before the Chalcedonian confession of faith emerged in the sixth session.¹¹ Interpretation is made harder by the sectarian venom of the theologians, the subtlety of their argumentation, and the polysemic language employed, less to set out the ‘facts’ than to achieve victory, by deploying the resources of late antique rhetoric.¹² For the viciousness, we remember how the last Pagan emperor, Julian, hoped to exploit against Christians what he ‘knew from experience’: namely, that ‘wild beasts are not such enemies of mankind as are most Christians in their deadly hatred of one another’.¹³ This is hard to overlook, given the acerbity of Christian controversy, the misbehaviour of bishops and

⁵ *Dialogue* 5.102ff. See Bell (2009), *ad loc.*

⁶ For Menander Protector and Jacob the Jew, see subsection ‘The dynamics of factional conflict’.

⁷ Cassiodorus, *Variae* 3.51.

⁸ e.g. John Chrysostom, *Against the Games and Theatres*, PG 56. 263–70; Jacob of Serug, *Homily* 5; John of Ephesus, *EH* 3.26, for the ‘Church of Satan’.

⁹ Corippus, *In Praise of Justin II* 1.344: *iucunda circensia gaudia*; Choricus of Gaza, *Apology for the Mimes*.

¹⁰ See Liebeschuetz (2001b), ch. 6, both for what we know—and don’t know.

¹¹ For Chalcedon, Price and Gaddis’s translation and commentary in *Acts of the Council of Chalcedon* (= Price and Gaddis 2005) are indispensable; as is Price’s edition *Acts of the Council of Constantinople of 553* (= Price 2009c) for Cpl. II. Also Price and Whitby (2009), and de Ste Croix (2006) for the imperial role. For the wider political context, Gray (2005).

¹² Lim (1995), on the political salience of rhetoric in late antiquity, and how rhetoric, with its goal of securing victory, made compromise harder.

¹³ Amm. Marc. *RG* 22.5.

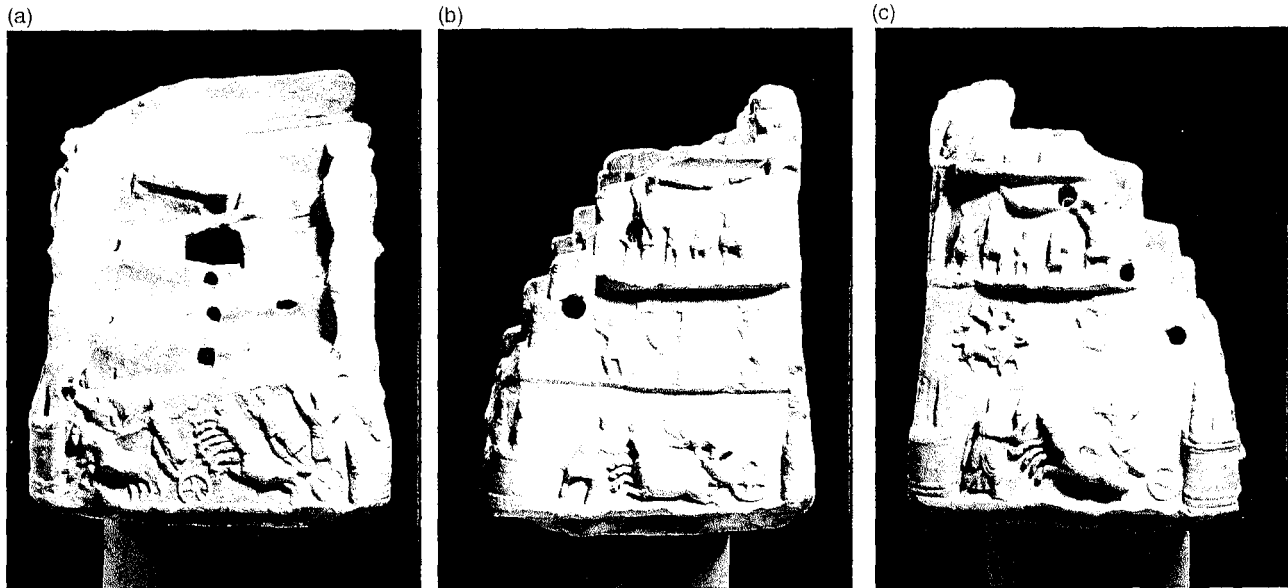


Fig. 4.1 (a–c) Views of gaming machine showing chariot racing, c.500, found near the Hippodrome, Istanbul (from Staatliche Museen zu Berlin).

their posses at, say, Ephesus II (449), or the long tradition of violence in which they were involved in Alexandria and elsewhere. The saint and theologian Cyril, whose teaching underpinned much ecclesiastical conflict in the fifth and sixth centuries, was no exception.¹⁴ The church historian Socrates summed up our difficulties when he likened theological debate to 'a battle in fog where it was hard to tell friend from foe'.¹⁵ All the combatants, naturally, called themselves 'orthodox' or 'catholic', while many church historians, modern as well as ancient, have close affiliations to the parties represented at the various councils . . .

Worse, theological writings are so often rebarbatively technical and tendentious,¹⁶ the product of theologians ostensibly concerned with doctrine for its own sake, in a world where many believed, like Pope Benedict XVI,¹⁷ that correctly formulated doctrine was critical for salvation. So we cannot ignore the semantic niceties: if, for instance, you believe that 'nature' denotes an *entity* (e.g. a man, god), you will take a different view of a statement that Christ had two 'natures', human and divine, than if, for instance, you regard 'nature' as referring to sets of *attributes*. The curious (and brave) can explore the issues for themselves. No more perhaps is needed than to see, in the 'two natures' corner, those like Nestorius, who believed that it was necessary to maintain a clear distinction between Christ's divine and human natures: unless he was fully divine, he could not atone for our sins and redeem our flesh; unless he was fully human, his resurrection and ascent into heaven might apply only to him! These crucial distinctions could be blurred if Christ had only a single nature, which could not do the work demanded of it. In the 'one nature' corner stood those like Cyril of Alexandria who argued that to overstress the distinction led to insoluble difficulties when it came to understanding how such separate human and divine natures related to each other and interacted. The theological task was to try and combine both positions. But the arguments generally reveal little about the sociopolitical dimensions of the dispute except, for instance, where the correspondence of the great Eastern theologian Severus

¹⁴ Socrates, *EH* 7.15.

¹⁵ Socrates, *EH* 1.23.

¹⁶ The *technicality* is obvious from almost any theological text: e.g. the *PGL* offers 14 columns each of definitions and usage for the (overlapping) key Chalcedonian terms of *hypostasis* (individual/subject/entity) and *physis* (nature/essence/subject), 7 for *prosopon* (person). All subsequent translations in this chapter are, therefore, only approximate. See also Price (2009c), 72–3 for *physis* and *hypostasis* in the 6th cent.

For *tendentiousness*, see e.g. Zacharias of Mitylene's *Life of Severus*. One would not know of Severus' original Paganism up to his conversion if Severus had not himself mentioned it (*Hom.* 27). Severus himself tendentiously interprets Ps.-Dionysius the Areopagite in a Miaphysite sense (*Doctrina Patrum* 309 nr. xxiv, in Allen and Hayward (2004), 152). He also criticizes others' tendentious criticisms of himself. For Justinian's sophistries in his *Letter to the Alexandrians*, see Sect. 3.

¹⁷ See epigraph to Sect. 3.

shows him repeatedly striving to define ‘heresy’ and build support—thereby showing just how blurred the boundary of ‘orthodoxy’ was even amongst the theologically literate.

Nor do the historians, secular or ecclesiastical, help as much as they might. For instance, Procopius says more about religion than once claimed.¹⁸ But *the* religious controversy of the sixth century—that with the Miaphysites, who held that Christ had only one, divine, nature—was neither his topic in the *Wars* nor features in the *Secret History*. Our leading Miaphysite historian, John of Ephesus, is fragmentary: passages on critical developments under Justinian are lost; he is primarily concerned with disputes amongst the elite, for whose conflicts popular sentiment is largely a backdrop.¹⁹ His (propagandist) *Lives of the Eastern Saints* does, however, suggest what ‘Miaphysitism’ might signify outside theological circles in some eastern provinces, including a concern for the destitute. The *Life of the Patriarch Eutychius* illuminates, again tendentiously, the politics and ideological complexities of the Second Council of Constantinople (553).²⁰ Another surviving Miaphysite source, Zacharias of Mitylene, is equally slanted.²¹ Others, Daniel of Salah for instance, suggest that popular, or at least monastic, alienation from the monarchy in the East was greater than might be inferred from a sometime ‘establishment’ writer such as John of Ephesus.²² However, although he is silent on some sensitive transactions—which shows the (political) difficulty of writing about matters of such salience—we do have Evagrius Scholasticus, whose *Church History* covers the years 431–594. Neither a professional theologian nor a priest, he is (comparatively) irenic—at least in regard to Miaphysites, as befits a neo-Chalcedonian.²³ He quotes extensively and generally reliably from documents, provides insights into what doctrinal issues might mean for a layman (much hair splitting, he claims, but with murderous consequences), and comes nearer to setting religious affairs in a wider sociopolitical context than most other ecclesiastical historians, ancient or modern. He will, therefore, be an important guide.²⁴

The legislation, as usual, conceals almost as much as it reveals, though it repays closer reading than some church historians have given it. Nor do our sources explain how masses could, sometimes at least, be mobilized to extreme

¹⁸ Kaldellis (2004), ch. 5.

¹⁹ Van Ginkel (1995), *passim*.

²⁰ Eustratius, *Life of Eutychius*: Averil Cameron (1988, 1990).

²¹ See n. 16 here.

²² Taylor (2005), citing his forthcoming commentary on Daniel’s *Commentary on the Psalms*. The conclusion of Wood (2010), that the Syriac-speaking East increasingly emphasized the ‘conditional’ nature of imperial authority, is compatible with my argument here.

²³ Term coined by Lebon (1909), for those who, after Chalcedon—but without formally derogating from it—sought a creative synthesis of the conflicting theological traditions.

²⁴ Michael Whitby’s 2000 edn. (TTH) of Evagrius, *EH*, is particularly helpful. Allen (1981) on Evagrius generally.

violence over recondite doctrinal disputes—which Evagrius represented as a non-issue, and Procopius as ‘insanely stupid’.²⁵ Nor do the sources explain why emperors ultimately failed to reconcile the churches—a failure the more remarkable given a growing consensus that, in theological terms, the main parties were so close, even perhaps espousing the same doctrines, albeit in different language. A little more background may also help answer these and other questions in Sections 2 and 3 below.

Setting the scene 1: The earlier history of the factions

The origins of the factions lurk in the distant Roman past. For Malalas, amongst others who, in sixth-century archaizing fashion sought, an origin for contemporary institutions in early Rome,²⁶ their founder was ‘the Emperor Romus’ (that is, Romulus). Malalas also reads back contemporary factional antagonisms into the past, supposing that even then they constituted a social problem, and notes [*sic*] how whenever a faction supported the populace (*demos*) or senators opposed to him, Romulus switched his support to the opposing faction.²⁷ More realistically, it is clear, at least from the early imperial period, that the circus and theatres in Rome as *institutions*, and later similar venues across the empire, had acquired great social importance—even if the *factions* did not fully achieve their sociopolitical prominence until the later empire. In Rome itself, the emperors patronized races in the Circus Maximus for applause; demonstrations there helped defuse popular grievances; and the emperor could, by his presence, show that he was a *civilis princeps*, perhaps best translated as a leader who is ‘one of us’. (Few who saw it will forget how hard the then UK prime minister, Harold Wilson, manoeuvred to be *seen* on TV with the England football team after their winning the 1966 World Cup.)

Cornelius Fronto (c.95–c.166), tutor and friend to the emperor Marcus Aurelius, got the wider sociopolitical importance of public entertainments, including the racing, absolutely right. He did so in a way that not only recapitulates, this time positively, Juvenal’s sneer about ‘bread and circuses’, but was still applicable in late antiquity:

²⁵ Evagrius, *EH* 2.5; Procopius, *Wars* 5.3.5–9. Procopius contemplated a work on religious controversy (*SH* 11.33, 26.18). It was never written. It is hard to imagine how a serious work on this subject for public consumption could have been written during J’s lifetime, even if Proc. had still been alive to write it, given the repressive political climate and the sensitivity of the issues: *SH* 1.1.

²⁶ Mal. 175. John the Lydian also attributes the praetorian prefecture to Romulus (*On Magistracies* 1.14).

²⁷ Mal. 175–6. In practice J. (and other emperors) patronized a faction from the start of their reigns *before* this could happen: Liebeschuetz (2001b), 213, for who patronized whom.

The emperor [sc. Trajan] did not neglect even actors and the other performers of the stage, the circus, or the amphitheatre, knowing as he did that the Roman people are held fast by two things above all, the corn dole and the shows; that the success of a government depends as much on amusements as on more serious things; that neglect of serious matters entails the greater loss, but neglect of amusements the greater discontent; food largesse is a weaker incentive than shows, for by largesses of food only, the proletariat on the corn register are conciliated singly and individually, whereas by the shows the whole population is kept in good humour.²⁸

Fronto's comment also brings out the often overlooked reality that the circus (and theatre) was, both then and later, enormous *fun* for the masses; it took people's minds off the rigours of life. It is owing to such considerations that we have the repeated legislation of Justinian supporting the theatres and hippodromes in the provinces, in the context of preserving or restoring public order, which we noted in Chapter 3, and the resources devoted in the later empire to their reorganization and maintenance.²⁹ It also explains why, notwithstanding their occasional riotous downside, fifth- and sixth-century emperors let them continue.

This culture had, by our period, become firmly rooted across the empire. This was thanks—so it seems: the evidence is tentative—to radical reorganization of the circus factions, along with performers of all kinds, in the fifth century. Providing the necessary specialists apparently became the responsibility of two all-empire contracting organizations, modelled on the factions that had furnished the chariot races in Rome and Carthage, and, since the previous century, also in Constantinople and Alexandria. This seems to have been combined with better financing, with a less prominent role for local notables—although the latter continued to play an important role: the Apions, for instance, in Egypt.³⁰ But not only did the circus achieve greater prominence, its factions had also merged with the theatre factions. The political role of the latter, both well documented and excoriated by Libanius, in leading well-organized acclamations, not just of performances but also of governors, was in some cities already notorious. Libanius' *claque* in Antioch numbered some four hundred. It is a reasonable inference that the groups which succeeded the *clagues* after the merger were no smaller, certainly in the hippodromes of the bigger cities, and equally carefully drilled in the 'programme' of acclamations, petitions, imprecations, etc. that they performed, including at the instigation or payment of their patrons. It no doubt also helped group

²⁸ Fronto, *Principles of History* 17, tr. Alan Cameron (1976), adapted. See Ch. 6 for its relevance to the emperor's search for legitimacy.

²⁹ See n. 101. *SH* 26.6 talks obscurely about the diversion of civic funding of factions to the state: see Liebeschuetz (2001b), 205.

³⁰ Liebeschuetz (2001b), 206, for more examples, including in Cpl.

cohesion that part at least of the factional groups had reserved seats marked for them, as did other guilds and groups in Aphrodisias and elsewhere.³¹

Constantine's requirement, preserved by Justinian, that the contents of acclamations at the games addressed to governors should be forwarded to him, had given them an official standing—and can be paralleled by similar acclamations, even at church councils.³² But assigning the factions a 'political role', in the sense of notables or emperors being able to manipulate the circus factions via patronage or bribery of the hard-core supporters and more widely—we shall offer examples later—is far from older ideas that saw the factions as *intrinsically* bound to a religious group (e.g. Chalcedonian vs Miaphysite) or a political one (upper class vs lower)—ideas which Alan Cameron has definitively killed. The factions also appear to have played a kind of 'Civil Defence' role, in some major cities at least.³³

Setting the scene 2: The earlier history of doctrinal controversy

Theatrical and sporting competitions were intrinsically competitive; occasionally things got out of hand. They still do. By contrast, the Christian Church should have played a much more generally calming and unifying role in society. It did not. And, because of its divisions in our sixth century, several still with us, even the word 'Church' is a misnomer. It implies greater unity than then existed, had ever existed, or exists now. In reality, it is a theological construct, not a social fact. This should surprise nobody: Christian scripture is open to multiple interpretations—even once agreement has been painfully secured as to what counts as scripture. This is partly because doctrines are formulated by individuals and groups with often very different backgrounds and agendas, while the New Testament is not consistent on, for instance, even the most basic questions of fact about the life and death of Jesus.³⁴ But this is as nothing to distilling a plausible theology from such various, and conflicting, texts and authorities: was Jesus, for instance, God, man, or somehow both; what was his relationship with his 'father'—who *was* his father, come to that? How could Christians formulate doctrines, which Paul had earlier defiantly characterized as 'foolishness to Gentiles', in ways that those Gentiles could

³¹ See subsection 'A social-psychological approach' for more details.

³² For Antioch and Libanius, Liebeschuetz (1972, 2001b). Liebeschuetz (2001b), ch. 6 is fundamental for the history of the reorganization of the circus on an empire-wide basis. Roueché (1984) for how the factions worked in a provincial city. For the wider significance of acclamations, including in the Church, see also Roueché (2009).

³³ Alan Cameron (1976), ch. 5, for the evidence and its contested significance.

³⁴ See e.g. Vermes (2000, 2006, 2008) for (some) key historical problems.

later accept, if not as easy to understand, nevertheless as sufficiently intellectually defensible to serve as bases for negotiated church unity?³⁵

This theological agenda alone was sufficient to fuel extended and acrimonious debate, even if leading protagonists had not believed eternal salvation depended on getting the words right, nor had also recruited the masses—later emperors—in their support. Worse, those involved were simultaneously preoccupied, again from Paul onwards, in building and trying to hold together expanding and quarrelsome groups of believers across the whole Mediterranean and beyond.³⁶ In order to try and resolve such problems and, ideally, produce unity, a tradition developed of holding councils at various levels convoked by bishops, for which we have increasingly clear evidence from the second century onwards.³⁷

These problems, evolving through the first three centuries of the Christian era, were not eased by the conversion of Constantine. This brought the emperor into the heart of ecclesiastical decision-making, raising thereby the stakes in the debates. The establishment of a new capital in Constantinople also moved the centre of gravity of the empire eastwards, with important consequences for the relationship between the see of Rome and the patriarchates of the East. The prizes of being on the winning side in a dispute now also increasingly included power, wealth, and closeness to the emperor. To the heavenly kingdom could now, for the bishop ‘drunk with ambition’, be added the earthly.³⁸ The first great initiative to achieve harmony under the new dispensation was the Council of Nicaea, convoked in 325 to determine whether the ‘Son’ was fully ‘God’, or a created being of lesser status than his ‘Father’. (This mattered because, for many, if Christ were not fully divine as well as fully human, then man could not apparently share in divine life or salvation.) The former view prevailed, with diplomatic but firm imperial pressure, even though in later years many bishops took exception to the—unscriptural—neologism *homoousios* employed to describe Jesus as being ‘of the same substance’ as his Father. This issue was not finally resolved—one post-Nicaean emperor, Constantius II (337–61), was himself of the heretical ‘Arian’ persuasion—until the Council of Constantinople of 381. Even then, the heresy survived amongst many of the Germanic peoples ruling the former Western Empire, or serving as soldiers in the East.

But the debate over this ‘Trinitarian’ issue illustrates perennial features of religious conflict on later and different issues: ‘quick fixes’ were not to be had.

³⁵ Paul, 1 Corinthians 1: 22. *The Oxford Handbook of Early Christian Studies* (2008) provides a lucid introduction to such problems.

³⁶ For Paul’s problems see e.g. 1 Corinthians 1: 10; Galatians 1: 6.

³⁷ One of the first appears to be a mid-2nd-cent. meeting of bishops to condemn ‘heretical’ Montanists (Eusebius, *EH* 5.16.10).

³⁸ As a saint, Isidore of Pelusium, observed. (*Ep.* 57, cited by Gibbon (1994), ch. 47, p. 946, who notes that Isidore was not himself a bishop.)

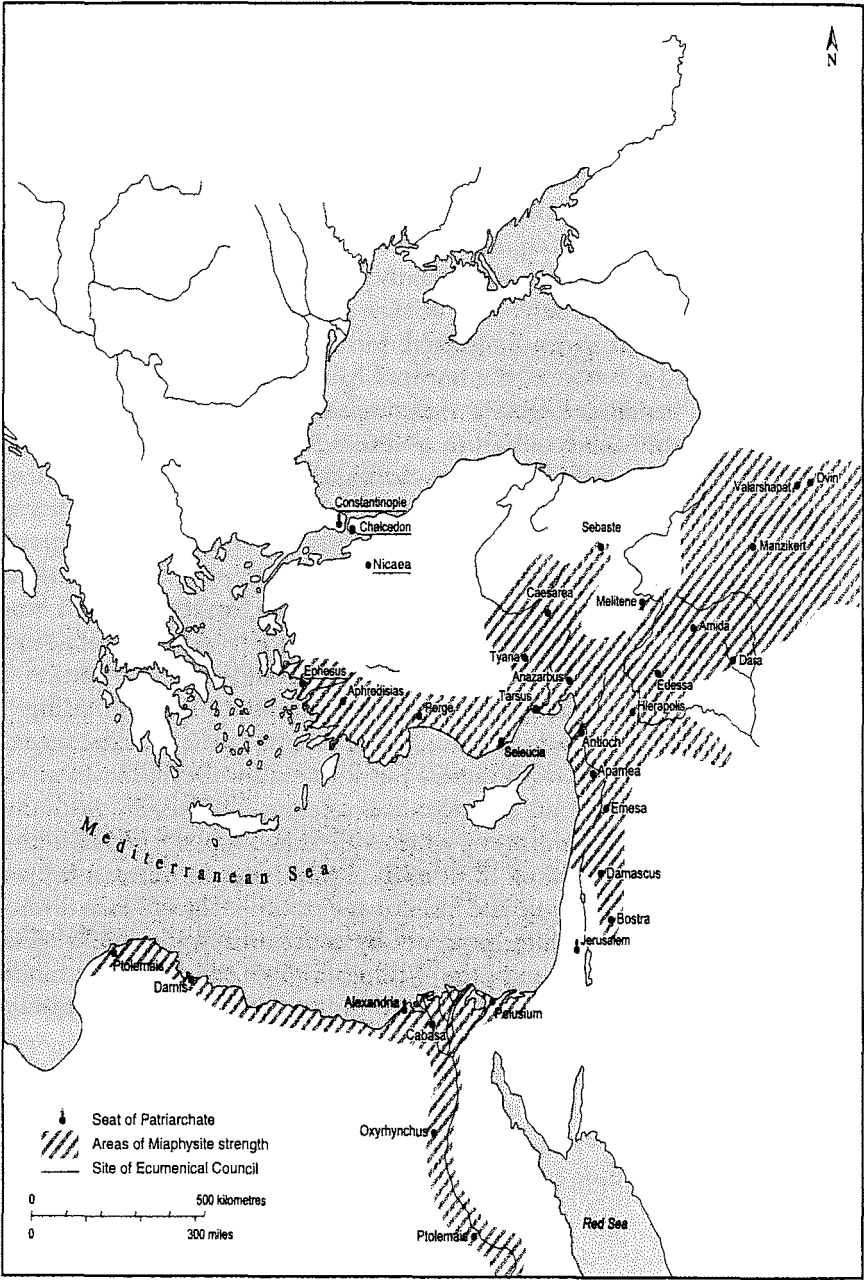
Ecclesiastical power politics were at least as important as, indeed inseparable from, the intellectual issues involved—the great sees of Rome and Alexandria resented the ‘jumped-up’ see of the new imperial capital, Constantinople, and the claim of Pope Damasus in 382 to the primacy of the three ‘Petrine’ sees of Antioch, Alexandria, and, of course, Rome reflects both this and the parallel secular decline of the older capital itself.³⁹ Meanwhile, disputants continued to fret over verbal niceties as they had, at Nicaea, on *homoousios* (of the same substance)—or the contrasting, ‘heretical’, term, *homoiousios* (that is of like substance). At the same time, Constantine’s sensible priority of achieving ecclesiastical harmony through compromise formulae, rather than securing extreme theological precision that could, for example, be exploited to ‘out’ heretics, remained a feature of the imperial handling of ecclesiastical debate throughout our period and of their ecclesiastical policies more generally. As our analysis of Justinian’s ecclesiastical politics will emphasize, if only because ecclesiastics—including some modern church historians—tend to forget it, emperors had above all a vast and diverse empire to govern, one constantly threatened from without and by the strains within which we saw in the previous chapter. Religious harmony may have been pleasing to God and an eschatological ideal for Christian, as for earlier Pagan, emperors. But it was certainly easier to manage an empire on the same religious wavelength as the emperor—and where the ever more powerful bishops were ‘his’ men.

Yet there was to be no lasting peace of the Church in the fourth century. No sooner had ‘the madness of Arius . . . been fettered in the shackles forged at Nicaea’, as (the moderate!) Evagrius put it, than ‘the Devil, the hater of good . . . devised anew certain questions and answers’.⁴⁰ Thus, by the early fifth century, the focus of controversy had turned from the nature of the Trinity to (even harder?) problems of Christology—What was the relationship of the human and divine in Jesus? Did he have one or two ‘natures’—one divine, one human? What, if anything, is meant by such words as ‘nature’? What was the status of Mary? Was she the ‘Mother of God’ (*theotokos*), as much popular devotion now affirmed—or simply ‘the Mother of Christ’ (*christotokos*), as Nestorius⁴¹ maintained? What, if anything, beyond a carefully cultivated, passionate group identity and episcopal ambition, underlay such holy nit-picking? However, the political dynamics of the debate remained largely unchanged—except in so far as the wealth and power of key ecclesiastical players had continued to grow since Constantine. As Map 4.1 shows, the

³⁹ Only Alexandria, Antioch, and Rome, whose special position had been vouchsafed, allegedly, by Jesus personally, were allowed multi-provincial jurisdiction: Chadwick (2001), 321–2. Roman objections to anything that might appear to downgrade Rome, especially in relation to Constantinople, were similarly—and intemperately—opposed at Chalcedon (16th session, *Acts of Chalcedon*, iii. 62–91).

⁴⁰ Evagrius, *EH* 1.1.

⁴¹ Patriarch of Constantinople, 428–31.



Map 4.1 Politics, religion, and heresy, fifth–sixth centuries (adapted from Haldon (2005b)).

partisans of differing theological factions were scattered throughout the empire, with a preponderance of those adopting a range of 'one nature' Christologies, asserting that Christ had only one nature, following Cyril, patriarch of Alexandria, in the Eastern provinces, but by no means confined to them: one of the most influential 'Miaphysites' was the Constantinople-based archimandrite Eutyches. The 'two natures' faction, holding that Christ had both a human and a divine nature, was also strong in Antioch, whence Nestorius had come to Constantinople, the Balkans, Anatolia—and Rome and the West. Although, just to illustrate the complexities, that city's most illustrious patriarch was probably the 'heretical' Severus (r. 512–18).

At the same time, ecclesiastical grandees could organize in support of themselves and of their doctrines substantial bodies of 'foot soldiers', whether monks, the Alexandrian 'hospital attendants' (*parabalani*) of Cyril, or urban masses. These resembled the circus and theatre factions in their ability to take their grievances and enthusiasms onto the streets, or to church councils, in order to demonstrate, beat up, or even murder their opponents.⁴² It did not help that, by the fifth century, Greek was less well understood in Rome than formerly: for instance, Nestorius' letter of 430 to its bishop was seemingly ignored because it was in that language, while his opponent Cyril had prudently written to Celestine in Latin.⁴³ Unsurprisingly, the disputes had become so toxic and the issues increasingly complicated owing to their intrinsic difficulty, misunderstandings, and an apparent total absence of goodwill that Julian would have understood, that neither of the Councils of Ephesus, in 431 and 449, could put matters right. Rather they made things worse: not for nothing did Pope Leo, the theological loser, call the latter a 'den of thieves' (*latrocinium*) for its methods. Even the Council of Chalcedon in 451 could not provide a definitive resolution of the conflict, notwithstanding what we can see as the self-serving and politically motivated public statement of the emperor Marcian that 'everything has been settled in favour of the catholic faith and the truth and . . . peace has been restored to the churches'.⁴⁴

This council assigned all the attributes of Christ, human and divine, to 'one and the same Son, our Lord Jesus Christ'. But was 'this one subject' the divine Word, albeit made flesh? Or a new entity formed by the conjunction

⁴² The murder and dismemberment of the philosopher Hypatia by the *parabalani* of St Cyril, who saw his authority threatened by her, is the climax of the film *Agora* (2009). This film makes palpable the brutality of late antique religious politics. For a no less critical, if more scholarly account of her murder and of Cyril's involvement: P. R. L. Brown (1992), 115. Also Dzielska (1995) and Socrates, *HE* 246. Flavian, formerly patriarch of Constantinople, may have died from injuries received at Ephesus II. Hatlie (2006), for political activities of monks and the factions more generally.

⁴³ Cyril (*Letters* 11; ACO 1.1.5, p. 12); Nestorius (ACO 1.1.1, p. 78).

⁴⁴ Marcian to Pope Leo (18 Dec. 451), in Price and Gaddis (2005), iii. 136–8.

and full cooperation of the two natures, each with a degree of autonomy?⁴⁵ If you opt for the latter, you belong to the 'Chalcedonian' majority, along with, amongst others, successive popes, Orthodox emperors, and the Palestinians of Jerusalem; if for the former, you will fall into what was to crystallize as the 'Miaphysite' camp; most of your 'faction', though far from all, will be in Egypt, Syria, and the East. Your position will, therefore, be *prima facie* in opposition to the doctrine confessed at Chalcedon that Jesus had *two* natures—human *and* divine, although 'concurring' in one 'person' and 'subject'.⁴⁶ For this formula claimed to have resolved the issue surrounding the nature (or natures) of Christ, even if the underlying ambiguities of the text and the passions invested in their positions by various dissident groups prevented lasting universal acceptance of the council and its formulae—notwithstanding the presence of a high-powered team of officials, led by Anatolius, a general and grandee with substantial negotiating experience, including with the Huns. It has even been suggested that the 'production of a definition (*sc.* was) a tragedy for Christian unity, leading . . . to the schism between Chalcedonian and non-Chalcedonian that still continues'.⁴⁷ At all events, it defined theological battle lines for the rest of the century and beyond: the conflict continued and intensified under the reigns of Zeno, Anastasius, and Justin I. It was during this period that Rome formally broke with Constantinople (in the so-called Acacian schism, from 484 to 518) in response to the effort of the emperor Zeno (r. 479–91) to effect, unilaterally and with some success, ecclesiastical compromise between Chalcedonians and Miaphysites in the East.⁴⁸

At its simplest, these developments had ensured that, by the accession of Justinian in 527, a bitter split had developed within and between the churches whose *cognitive* core—we shall come later to its *emotional* and *social* significance—was, and remained, how man and God were combined in Christ to effect human salvation. For supporters of the Council of Chalcedon, including the emperor, the bishop of Rome, and many key players—bishops and monks—especially outside the East, this relationship had been famously defined in the sixth affirmation of that council. In language we shall examine below, this confessed Christ

⁴⁵ Price (2009a), 124.

⁴⁶ For the difficulties of translating theological terms: see n. 16. To keep contentious language here to a minimum, and in common with many modern scholars, I use throughout the less disputed, more accurate, though equally wide-ranging, term 'Miaphysite'—from the Greek *mia* (one) and *physis* (nature), and also apply it to such major pre-Chalcedonian writers in the 'one nature' tradition as Apollinaris (c.310–c.90) or Eutyches (c.378–454).

However, until Jacob Baradaeus in the later 6th cent. and the establishment of a separate 'Miaphysite' church, we cannot speak of the Miaphysites as a single bloc. Even after the new church was established, with its own hierarchy and a stronger Miaphysite identity, separate Miaphysite groups remained.

⁴⁷ So Price and Gaddis (2005), ii. 91.

⁴⁸ For Zeno's *Henoticon* (*Document of Unity*), which provoked papal wrath, see below. For the full text: Evagrius, *EH* 3.14.

in *two* natures [*physeis*], without confusion, change, division, or separation, the difference of the natures being in no way destroyed because of the union [*sc.* of God and man], but rather the distinctive character of each nature being preserved and coming together in *one* person [*prosopon*] and *one* substance [*hypostasis*]), not parted or divided into two persons but one and the same Son, Only-begotten, God, Word, Lord Jesus Christ.⁴⁹

In the other camp stood those, the Miaphysites, who, in various degrees, could not accept a formulation which so split, in their view, Christ's humanity from his divinity. The volume of the controversial literature, however, means that, in summarizing their position, it is hard to go beyond Cyril's formulation of 'one nature of the word of the Divine word Incarnate'. This, the great historian of the Miaphysites, Lebon, claimed, 'all the doctors of the sect use and defend by attributing it to a traditional origin'—even though in the so-called 'Formula of Reunion' (433), Cyril had accepted, although he later rowed back, that it was legitimate to talk of Christ as being a 'union of two natures' or 'out of (*ek*) two natures', provided that there were no Nestorian overtones.⁵⁰ Certainly the latter formulation is one to which, like other contemporary neo-Chalcedonians,⁵¹ Justinian keeps returning, in his own theological writings, in order to demonstrate that this formulation is compatible both with Chalcedon and 'the blessed Cyril'.⁵² This imperial effort continued into the reigns of Justin II, who effectively continued Justinian's policy, and Heraclius, who tried a new but no more successful tactic, until the Muslim conquests of the main Miaphysite lands reduced the salience of this issue for emperors (only for it to be succeeded by new controversy over the religious authority of the emperor). The split remains unresolved.

'Chalcedonian' too embraces numerous positions, each accepting the 'two natures' formulation. At one extreme, it represents a strict 'dyophysitism' (that is, that Christ had *two distinct* natures), although this position was uncomfortably close to the early fifth-century 'heresy' of Nestorius, which mainstream Chalcedonians condemned for overemphasizing the independence of Jesus' human nature from his divinity. But it also included others, especially 'neo-Chalcedonians', like Justinian. They sought to 'repackage' Chalcedon: accepting that council's definition, but presenting it in terms meant to be attractive to those who still espoused the 'one nature' Christology of Cyril of

⁴⁹ ACO 2.1.2, pp. 129–30; Evagrius, *EH* 2.47–50. Meyendorff (1975), ch. 1, explains the deeper significance of this formulation. The translation is from Price and Gaddis (2005), ii. 204, with my italics; their exegesis of this text and its genesis on pp. 182–90 is helpful. Price (2009c), 1–75, is no less helpful, and focused on the 6th cent.

⁵⁰ Lebon (1951), i. 478. For a Severan version (*Philalethes* 22): 'one nature of the incarnate word of God, as the God-inspired Fathers taught' in Lebon (1951), i. 478. Chesnut (1976), 11, quotes Severus' speaking of Christ in 'one *physis*, one *hypostasis* and one *prosopon* of God the Word incarnate', but gives no source. See also Daley (2008).

⁵¹ e.g. Nephalius, John of Scythopolis, John the Grammarian, and Leontius of Jeruslaem: Gray (2005); Price (2009c).

⁵² e.g. *Letter to the Alexandrians, Edict on the True Faith*, tr. in Wesche (1991).

Alexandria (378–444), which continued to speak, most of the time, of Christ as ‘the one nature of God the Word incarnate’.⁵³ This remained the intellectual gold standard for Miaphysites for the rest of antiquity, notwithstanding the criticisms both of ‘Chalcedonians’, who continued to see it as derogating from Jesus’ full humanity;⁵⁴ and of ‘extreme’ Miaphysites, like Julian of Halicarnassus and his supporters, who held that Jesus’ body was by its nature incorruptible (*aphthartos*: hence the name of their heresy, ‘aphthartodocetism’), impassible, and immortal from the first moment of the incarnation.

We have now sufficient background to begin to understand the sixth-century conflict. But, since the period in which the theological battle lines of that century were drawn up was also that in which the arrangements, organizational and financial, for theatrical and circus competitions throughout the empire were apparently rationalized, it may help to see what both sets of conflicts had in common and why, broadly speaking, similar analytical approaches help us understand both celebrity charioteers and celebrity bishops, as well as the behaviour of their respective supporters.

Setting the scene 3: What the factions and churches empire-wide had in common in the sixth century

By the sixth century, both sets of groups, the churches and the factions, enjoyed partisans whose membership cut across social classes, status groups, and ethnic communities. Both were well organized across the whole empire. In the case of the factions, their activities and the mass demonstrations they could organize were of fundamental importance to emperors, not least for the reasons Fronto had noted. The churches were similarly significant. (We shall have more to say about the particular importance of bishops to the regime in Chapter 6.) The interest in the circus prudently taken by Theodosius I, and illustrated in the bas-relief on the base of the obelisk in the Hippodrome in Constantinople, illustrated in Fig. 4.2, remained typical. It was *the* interface between the emperor and his people, and we have examples of the kind of acclamations and petitions made to sixth-century emperors.⁵⁵ The ‘traditional’ view correlating the factions with class or religious affiliation is dead.

⁵³ Cyril, *Letter to Succensus* 1. Cyril went back on this formulation in the so-called ‘Formula of Reunion’ (433), only to revert in the face of criticism from his supporters (*Ep.* 44); Frend (1972b), ch. 3. Daley (2008) more succinctly, for details of Cyril’s linguistic manoeuvrings. Whether or not he was consistent, he was sufficiently ambiguous in his pronouncements for him to be claimed by opposing sides: e.g. by J. in his *Letter to the Alexandrians*.

⁵⁴ That is, by denying him a specifically human ‘nature’. For more on Cyril’s Christology, see Sect. 3.

⁵⁵ e.g. the protest to Justinian against malpractice (unspecified) by the *spatharocubicularius* Calapodius: *Chron. Paschale*, tr. Whitby and Whitby, 114.

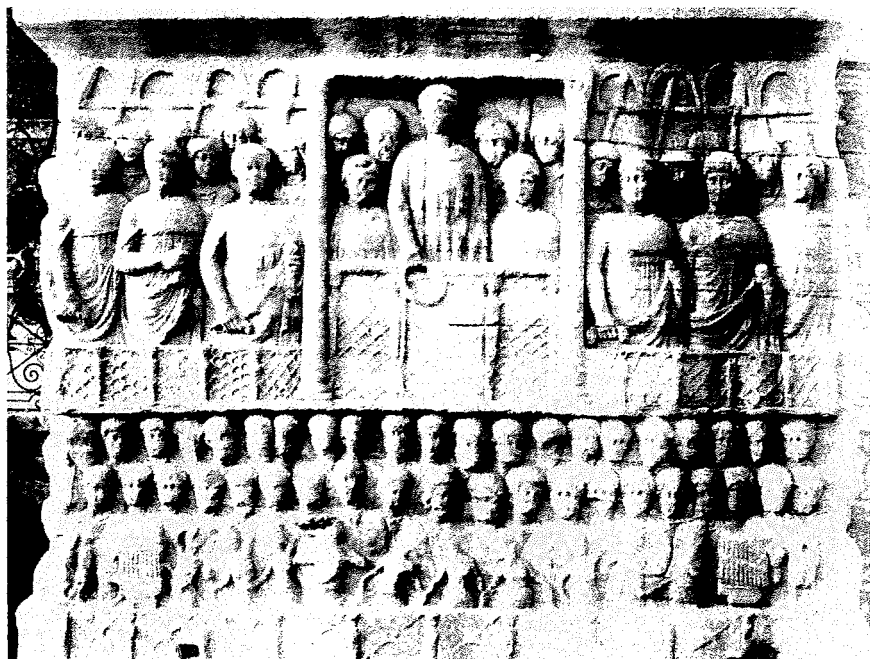


Fig. 4.2 Base of the Obelisk of Theodosius I from the Hippodrome, Istanbul, showing the emperor and family in the *kathisma*; and, below him, musicians with dancers (from Mainstone 1988).

Nevertheless they, like the Christian sects, often acted politically, while the hippodromes across the empire were, like the churches, the public spaces of late antiquity where a volatile populace required managing with rituals and political sensitivity, if public order was to be maintained and social cohesion promoted. Similar routines, including acclamations, were employed in both contexts.⁵⁶ The greater prominence of the factions from the mid-fifth century is 'not a mirage of the sources'.⁵⁷ Their potential for public disturbance is also clear from the tough stances taken by Anastasius, Justinian, and Justin II early in their reigns, and before, in the case of the first two, it actually arrived.⁵⁸ Their conflicts, however, were not responsible for all public disturbances in our period, and class and other discontents could also explode in the hippodromes across the empire: over, for instance, proposed changes to the rate of exchange of copper against gold to the disadvantage of the poor, who relied on

⁵⁶ Alan Cameron (1976), pt. 1, *passim*—fundamental to this chapter, despite some later criticisms. For the importance of hippodromes, etc. as 'public spaces', Heucke (1994). On acclamations, religious and factional, Roueché (2009).

⁵⁷ So, correctly, Michael Whitby (1999), 235.

⁵⁸ Anastasius—Mal. 392; Justinian—*Chron. Paschale* 617. 1–6; Justin II—Theophanes 243.5–9.

the former, or increases in the price of bread.⁵⁹ (In Cyzicus, the Greens murdered an unpopular bishop.⁶⁰) Religious groups could—and did—also mobilize popular sentiment and violence; the monks were effectively the *stasiotai*, the hard-core fans of the churches.⁶¹ It is against this background that we should see further parallelisms between the churches and the factions: in both cases, individual benefactors, where they had not been replaced in whole or in part by the state, became not benefactors of the city as a whole, in the ancient evergetical fashion, but patrons of a specific faction or a specific church—both showing the decline of the city not in terms of administration or the economy, but as a focus of loyalty and even identity.

Procopius shows that faction ‘activists’ were not confined, as Patlagean suggested,⁶² to the ‘socially excluded’: they also included toffs who might, in modern Oxford, have been members of the Bullingdon, an upper-class Oxford University undergraduate dining club, notable for its ritual dress and sometimes antisocial behaviour. Such young men may also have helped finance their faction. What we know from the only two surviving texts by *stasiotai*, by Menander Protector and Jacob the Jew, points to a prosperous ‘sub-elite’ background, which Procopius’ description of rich young *stasiotai* confirms.⁶³ So do late sixth-/early seventh-century ‘factional’ inscriptions and graffiti found in Kom el-Dikka in Alexandria next to the so-called ‘School of Alexandria’, and probably incised by students there.⁶⁴ The ‘Green’ inscription of the same date from Ephesus, illustrated in Fig. 4.3 below, merely wishes the faction and the ‘Christian emperors’ long life.

The factions were patronized by the great—this included the emperors Theodosius II, Marcian, Zeno, Anastasius, and Justinian under Justin—and by others: most notably by senators during the Nika Riots, but also, and more durably, by John the Cappadocian’s patronage of the Greens, under Justinian—and, one presumes, in the latter’s interests. This was something the author of *On Political Science* wished to remedy, not least, one surmises, because of the opportunities for political manipulation which patronage afforded.⁶⁵ The same holds for the churches: their leadership, under imperial

⁵⁹ e.g. rioting over currency ‘reform’: Mal. 486. Factions might also help orchestrate popular grievances (e.g. in 556 when leading Blues were punished over protests concerning the price of bread: Mal. 488). But from an imperial perspective, far better for demonstrations, especially if well orchestrated by the factions, to take place in the hippodrome than on the streets.

⁶⁰ Mal. 401.

⁶¹ e.g. in Constantinople under Anastasius 511, 512 (Evagrius, *EH* 3.44); in Alexandria regularly, John of Nikiu, 97, Michael the Syrian, 9.21; in Antioch in 512, 559 (Mal. 490), and 577–88 (Evagrius, *EH* 5.18).

⁶² Patlagean (1977), ch. 5.4; *Wars* 1.24; *SH* 7.

⁶³ Menander Protector, fr. 1: *DJ* 1.3. *Wars* 1.24.

⁶⁴ Borkowski (1981).

⁶⁵ For senators, *Wars* 1.24. For John, *JL*, *On Magistracies* 3.62. Vitalian was ‘removed’ shortly after giving spectacular consular games, Mal. 412. Tate (2004), 82. *Dialogue* 5.103–14.



Fig. 4.3 'Long life to the Christian Emperors and the Greens': inscription, late sixth/early seventh century from Ephesus (from Foss 1979).

patronage for neo-Chalcedonians,⁶⁶ was more often drawn from the same social strata as the service aristocracy, while membership reached down to the 'destitute' (*ptokhoi*) and 'poor' (*penetes*).⁶⁷ Yet in both, individuals of low status could play prominent roles or advance themselves: slaves or peasants (*coloni*) could become priests, even bishops.⁶⁸ Thus the great Porphyrius rose from obscurity to imperial hero, the David Beckham of his day, as a chariot racer (*factionarius*);⁶⁹ a circus acrobat, such as the father of the celebrity holy man Theodore of Sykeon, whose mother was a sex worker, might rise to become an imperial messenger; Justinian's wife, Theodora, was the daughter of the Greens' animal keeper and later 'actress'; Belisarius' wife was allegedly the daughter of a charioteer and a theatre prostitute.⁷⁰

⁶⁶ For the empress Theodora's 'patronage' of Miaphysites, see Sect. 3.

⁶⁷ Rapp (2005a), ch. 6 for, inter alia, quasi-hereditary elements in the episcopate. For the distinction between the two categories of 'poor': P. R. L. Brown (2002), ch. 1.

⁶⁸ *NVal.* 35; *JN* 123.

⁶⁹ Alan Cameron (1973), 170–1.

⁷⁰ *Life of Theodore of Sykeon* 3; *SH* 6.1, Theodora; *SH* 1.11, Antonia.

The hierarchies and networks of both sets of groups stretched across the empire: in the factional case, for instance before his conversion, Jacob the Jew allegedly exploited their distribution across the Eastern Empire to achieve his objective of attacking Christians.⁷¹ Procopius reports that the killing in Tarsus of a local senator, a patron of the Blues, by the retinue of the Cilician grandee Marathres (or Malthanes), led to agitation in Constantinople on his behalf by the Blues there, in which the emperor became involved. Justinian apparently had agents in the Blues in Antioch, and, if there, no doubt elsewhere.⁷² But we see the phenomenon of the factions being exploited on an empire-wide scale most clearly in the support of the Greens for Heraclius, in his successful bid for imperial power, only to be joined by the Blues after it became apparent that Heraclius had won the war in Egypt.⁷³

The churches worked in a similar fashion: successful ecclesiastics, whether 'orthodox', like Cyril, or 'heretical', like Severus, were masters of networking.⁷⁴ Likewise Miaphysites, far from being an exclusively ethnic Eastern and Egyptian grouping, were influential in the capital: not only in the 530s, where their leaders were playing for the whole empire, but later, when the ex-patriarch Theodosius presided over the Miaphysite movement from Constantinople when in exile from Alexandria.⁷⁵ In other words, the churches, including the competing tendencies within them, and the circus factions, were two sets of groups able to generate intense internal loyalties. They could also orchestrate public demonstrations and organized violence, while simultaneously exploiting the 'acclamation culture' of the period whether in theatres, hippodromes, or church councils.⁷⁶ They could even organize in violent opposition to each other: patriarch (and Church) vs governor (and factions), as in Antioch between 577 and 588.⁷⁷ In short, we can see both the factions and the churches not only operating as *groups*—and, with careful management, especially in the factional case, acting on balance in structural terms to stabilize the state and neutralize their potential for social conflict—but also, in terms of individuals, acting as an emotional escape valve, and also permitting a degree of, sometimes, considerable social mobility. These themes we develop below.

⁷¹ Geographical evidence, literary and epigraphic, of the factions: Alan Cameron (1976), app. B; *stasiotai* in Emesa: *Life of Symeon the Fool* 166. For Jacob, see subsection 'The dynamics of factional conflict'.

⁷² *SH* 29 (Marathres); *SH* 12 (allegedly influential 'Blue' dancing-girl in Antioch).

⁷³ John of Nikiu 107.29. For the role of the factions in the horribly confused politics of Egypt, see Liebeschuetz (2001b), ch. 8, and Booth (2011).

⁷⁴ For Severus, see subsection 'From the elites to the streets 2'; for Cyril, Price and Gaddis in *Acts of the Council of Chalcedon*, 19, show how he outmanoeuvred Nestorius with the bishop of Rome, thereby paving the way for his success—again by dubious methods—at Ephesus II in 431.

⁷⁵ See Sect. 3.

⁷⁶ Roueché (2009) for the similarities between ecclesiastical and factional acclamations.

⁷⁷ Evagrius, *EH* 5.18ff.; John of Ephesus, *EH* 3.26ff.

Although we can *describe* salient features of factional and ecclesiastical conflict, we must employ a more consciously theory-based approach if we are to *understand* their conflicts. But an analysis in class terms will not work: the relationship between the sporting and religious competitors was not the economic exploitation at the heart of the class conflict described in Chapter 3 (although we must not forget, since the leadership of both sets of groups came largely from the elites, how they both reflected the social make-up and conflicts of the wider society, with its intra-elite competition for power, wealth, and status). In Chapter 1, we justified trans-historical comparisons in terms of a persistent 'human nature.' Now, because it helps us understand group behaviour independently of social class or status, we shall find that the discipline of social psychology, treating the men and women of the sixth century as fundamentally similar to ourselves, can furnish us with the analytical tools we need.⁷⁸ This approach has the further advantage of being one with which I became acquainted from its fruitful application to the problems of Northern Ireland. Just how pervasive and powerful such (here religious) group identities can be is illustrated by Peter Brown's experience as a child:

[sc. In Ireland] religion penetrated every aspect of the social life of one's own community . . . religion and identity went hand in hand. I remember that, at the age of six, I was predictably interested in cowboys. But one thing held me back from full identification with these new heroes. Were cowboys Catholics or were they Protestants?⁷⁹

A strength of the later empire, by contrast, was that such childhood (and adult) heroes as charioteers normally had no potentially divisive religious identity!

A social-psychological approach

The cultural historian Peter Burke lamented that, despite the burgeoning of 'psycho-history', 'the advertised meeting between history and psychology seems to have been adjourned'.⁸⁰ His conception of psychology, however, is dominated by the psychoanalytical tradition.⁸¹ But we need an approach which takes account both of individuals *qua* individuals and also of how

⁷⁸ Which is not to deny the potential of other approaches to group behaviours currently employed in late antique studies, including those touched on in Ch. 6.1.

⁷⁹ P. R. L. Brown (2003b). Whyte (1990).

⁸⁰ Burke (2005), 114–18.

⁸¹ So too Tosh (2002), 276–9. For Elton (2002), 21, social psychology is 'obviously important', but he reserves comment on psychology to criticisms of Freudian interpretations. Baumeister (2005), a social psychologist, deplors how other disciplines tend to equate 'psychology' with 'psychoanalysis'.

personal and group processes interact *and modify* each other. This social psychology does, although its application here is avowedly experimental.⁸²

It has already proved its value in, for instance, interpreting political dynamics in Northern Ireland, where the primary division of society is between two rival communities ('groups'), identified in terms of two 'brands' of Christianity rather than class. This is to be set in a wider historical and ideological context in which one group, the Catholic 'Nationalist', inclines to see itself as an ethnic community, threatened in Ulster by a Protestant 'Unionist' majority; the latter group sees itself as a threatened minority in the island of Ireland as a whole.⁸³ 'Family resemblances' with the sixth century are striking: Irish resonances first attracted Peter Brown to late antiquity;⁸⁴ the Northern Ireland Peace Process bore an uncanny resemblance to the politics of church councils. More generally, our hope that a social-psychological approach can illuminate our subjects here is strengthened by, first, Procopius' characterization of factional activity which, at its most intemperate, amounts to a paradigm case of (extreme) group behaviour. Here fans (*stasiotai*) 'do not consider it unworthy to die a most shameful death' for the cause of their faction, and care 'neither for things divine nor human in comparison with conquering in these struggles'. Second, in the case of religious controversy, Evagrius reminds us, after explaining why the dispute over 'one nature' versus 'two natures' was a fatuous non-issue, that many on both sides 'scorn every form of death rather than move to the reality'.⁸⁵ It is this parallelism between the group behaviours of the factions and the churches—the carefully cultivated badges of identity including slogans, the ritual behaviours, the passionate group commitments, the collective violence—that justifies considering the two conflicts together in one chapter.⁸⁶ Another reason lies in the way manipulation of both sets of groups was fundamental to the imperial management of the empire, not least because they cut across fissile class identities and loyalties, whose political salience they thereby weakened.

⁸² Since writing that sentence, I have encountered Fagan (2011), albeit too recently to take full account of here. But his argument that humans tend to form collective identities very readily, and that such groups give individuals a sense of validation, connectedness, and empowerment—and his application of this concept to the Roman amphitheatre—supports my application of social psychology to the hippodromes and the churches of the empire.

⁸³ See Tajfel (e.g. 1982), Tajfel and Turner (1986), and, above all, Whyte (1990). Both show this approach capable of wider application. Also Bell (1993).

⁸⁴ P. R. L. Brown (2003b), see Ch. 1.

⁸⁵ Evagrius, *EH* 2.5.

⁸⁶ Sizgorich (2009) analyses both Christian and Muslim violence in late antiquity in similar terms, placing the emphasis on carefully constructed separate communal identities even when the groups involved have, objectively, much in common. The aspect of communal identity most stressed in this chapter is Christological, although shared traditions of martyrdom were also important, especially for Miaphysites.

A social-psychological approach also helps us avoid simplistic distinctions between religious and political behaviours. In studying the intensely political behaviours of the sixth-century ecclesiastical parties and their leaders, we are addressing a situation analogous, say, to that in Northern Ireland where the agendas of the main political parties are ethnic (and implicitly religious) rather than socio-economic as in England. This was particularly striking in the case of the Democratic Unionist Party (DUP), under the leadership of the Revd Dr Ian Paisley, who had also founded his own Free Presbyterian Church. Separating his 'political' from his 'religious' attitudes is as difficult in his case as in Cyril's.

Social psychology—the model

My specific approach to social psychology derives from the model developed by Rupert Brown.⁸⁷ Its fundamental concepts are simple, even commonsensical; they rest, however, on a solid foundation of empirical research and can be widely applied. As a first step, Brown denotes by 'groups' two or more people possessing a common identification and whose existence as a group is recognized by a third party (e.g. a faction, a religious sect, or an ethnic group). But, just as the properties of compounds may differ radically from those of their chemical constituents, so people in groups may act (very) differently from their behaviour in isolation. Moreover, the behaviour of people in groups is typically rather uniform, and an individual's treatment of others, especially those outside the group, becomes stereotyped. The two opening epigraphs to this chapter encapsulate this way of thinking.

Although groups sometimes act antisocially, people's behaviour in a crowd (or group) may become more pro-social and aimed at specific targets, suggesting goal-directedness—in sixth-century terms, for example, victory for one's sporting or religious faction. Many or most instances of crowd and other social behaviours, however, involve more than one group: when Greens meet Blues in a hippodrome, or Chalcedonian Catholics encounter Miaphysites on the streets of Alexandria, Antioch, or Ephesus. One can see behaviour in groups as becoming more, not less, regulated, involving a change rather than a loss of identity: people's social identities *as group members* become more important, their personal identities as unique individuals less so. Individuals are even prepared to deny the evidence of their own senses in order to go along with the dominant group view.

Becoming a group member also affects self-perception. Our self-definition, often by ritual initiation (e.g. circumcision or baptism, taking communion, wearing a 'colour', chanting an acclamation) which demonstrates who is or is not 'one of us', may have positive or negative consequences for our self-esteem,

⁸⁷ R. Brown (2000). Also helpful: Brewer and Miller (1996; 2nd ed. 2003: Brewer only).

depending on our group's fortunes. Group interdependence is strengthened by the sense or experience of a common fate (e.g. religious persecution or triumph, shared victory or defeat in the games); it is strengthened by sharing the group's goals (supporting 'our' colour, ousting 'heretics'). Where these promote positive relationships within the group, cooperation, cohesion, and enhanced group performance are likely. Such cohesion may be intensified by an attraction to the *idea* (e.g. a doctrinal formula, a colour) rather than to specific individuals within it. Cohesion is strengthened, above all however, by a commitment to the group's goals. Indeed a recent commentator on the rioting in London and the provinces during August 2011—in the absence of any obvious political or social, let alone religious agendas—has emphasized the crucial importance of such 'group think':

Group action, even where there is no political or social cause, connects you so strongly with one set of people that you stop thinking about how your actions affect others. The group gives you confidence in your actions.⁸⁸

The model also posits that a key feature of human cognition is people's need to categorize the world, given the volume and complexity of the evidence facing us. This can generate behavioural discrimination in the treatment of in-group and out-group members—simply being classified as a group member, on however trivial a basis, can generate 'rewards' favouring the in-group. The categorization process also leads to the 'stereotyping', or attribution of common characteristics to group members, which guides—and justifies—people's behaviour in inter-group settings (e.g. attacking members of a rival faction, discrimination against 'heretics'). Where group memberships overlap, the possibility of shared group memberships exists, but often one group identity will dominate to the exclusion of others. Moreover, individuals who are perceived to be 'out-group' members on two or more dimensions, for instance Jews who were Blues in Antioch, may be doubly discriminated against, as by Christian Greens.⁸⁹ We can now apply this model to analyse our two sets of conflicts more rigorously than we could earlier.⁹⁰

SECTION 2—FACTIONAL CONFLICT

Some people think football is a matter of life and death . . . I can assure them it is much more serious than that.

Bill Shankly, Scottish footballer and manager (1981)

⁸⁸ Dr M. Cross, Reader in Psychology, City University, London. *The Times*, 9 Aug. 2011.

⁸⁹ Mal. 389–90.

⁹⁰ Sect. 1 reflected R. Brown (2000), esp. chs. 1, 2, 3, 4, 7.

Here comes the Ajax train from Auschwitz; Sieg, Sieg, Sieg, (accompanied by the Nazi salute); Sssssssssssss (the sound of escaping gas).

Contemporary Feyenoord football chants (against Ajax, a Dutch team that traditionally had Jewish players and a Jewish fan base) in Kuper (2003).

Current scholarship—a balance sheet

The study of the ‘factions’ has blossomed since Alan Cameron’s magisterial studies of 1973 and 1976.⁹¹ He expanded on Jones’s summary dismissal of any connection between the factions and social or religious groupings, and established that the factions were neither linked with particular social strata, local governmental areas of Constantinople (the *demes*), nor with religious groupings.⁹² Rather, in effectively returning to Rambaud, a nineteenth-century scholar, he argued factional activity was essentially confined to theatrical or sporting matters—although this did *not* mean that such activity was any less passionate.⁹³ His basic (mainly negative) arguments remain convincing.⁹⁴

Yet Cameron’s approach has its own limitations: his writing ‘always starts from the philological-lexical level’.⁹⁵ This concentration on texts risks overlooking what is not, or scarcely, to be found there, notably wider political and structural issues going beyond sporting rivalries. Two examples show why ‘philological’ reasoning in isolation (plus a reluctance to see the factions as more than sporting associations) is not enough. Take the Blues’ rebuke to Phocas in 602, concerning ceremonial procedure at his accession: ‘Go away and learn the protocol (*katastasin*). Maurice is not dead.’⁹⁶ This Cameron read as a tart reminder to Phocas to consult Maurice about correct practice, not as a covert *political* threat. Phocas’ reaction, however, was to kill Maurice and his sons immediately. ‘Characteristic over-reaction,’ comments Cameron. Liebeschuetz,⁹⁷ however, does not even argue the point, but assumes, surely

⁹¹ Followed by Roueché (1993); Liebeschuetz (1972), for 4th-cent. Antioch, and (2001), ch. 6—both required reading. Also valuable, and for much more than the factions, is Veyne’s sociologically inspired study (1976). See also Borkowski (1981) on Alexandria; Vespignani (1985 and 2001); Michael Whitby (1999); and Pitarakis (2010).

⁹² Jones (1964), 1407 n. 71.

⁹³ Rambaud (1870). More accessibly (1912).

⁹⁴ They are unaffected by the arguments of Zuckerman (2000), which rest, in my submission, on a number of misunderstandings.

⁹⁵ Vespignani (2001), 31.

⁹⁶ Alan Cameron (1976), 251–3 on Theophanes, *AM* 6094 (tr. Mango, etc.). The meaning of *katastasis* is unclear. An alternative or complementary formulation on the same occasion in John of Antioch, fr. 108, is ‘learn the truth (*aletheian*)’. This fits more easily with a political interpretation of what would then be clearly a threat from the Blues.

⁹⁷ Liebeschuetz (2001b), 203.

correctly, that the Blues *were* threatening Phocas, then vulnerable with his accession still unconsolidated, with a withdrawal of their support, in a wider narrative in which Theophanes shows, albeit in a less than perspicuous narrative, both factions playing politics.⁹⁸ Cameron's approach renders him vulnerable to the accusation of a 'too simple reading' of the evidence—the very charge which Patlagean urged, wrongly, against Rambaud, whom Cameron in general rightly followed!⁹⁹

Second, Cameron's commendable determination to expunge error in the scholarly tradition led him to neglect Rambaud's insight that the hippodrome and theatre provided (albeit subject to manipulation) a unique *political* liberty to exercise freedom of speech, 'as had the ancient Athenians in the agora or the Romans in the forum', even against the emperor—who might in turn address the people direct as did Anastasius, successfully, in 512, and Justinian, unsuccessfully, in 532. Thus, while rightly rejecting Manojlović's long-term identification of the factions with *specific* political or sectarian allegiances, he overlooked their wider political significance: not just the religious and political acclamations that preceded all sessions of the games, but also their role as a lightning conductor for class conflict in the capital, in that it could give a voice to lower-class grievances of the kind we discuss below, thereby enabling the authorities to deal with them peaceably. The factions, therefore, were emphatically not (normally) '*party*-political', but they were still *political* institutions.

Other problems await resolution: about, for example, the apparent fifth-century rationalization of the public entertainments of the empire;¹⁰⁰ the details of the factions' political and social activities—including outside the theatre or hippodrome; and how the apparently merged theatrical and circus factions actually worked. A consensus is, however, emerging that the importance of the (reorganized) factions increased in parallel in both the capital and the empire as a whole. This reflected the revitalization, possibly better financing, of the highly competitive sports and entertainment scene, following a reorganization that inter alia added importance to the organized chanting on public occasions. A special role seems then to have been given to young men (*neoi/neaniai*) in arrangements which, probably varying from city to city, meshed them, along with trades' guilds, other associations, and Jews, into supporting one or other of the factions.¹⁰¹

⁹⁸ Theophanes, *AM* 6094, 289. Theophylact Simocatta, 8. 10ff.

⁹⁹ Patlagean (1977), 205. Rambaud (1870), 765.

¹⁰⁰ Liebeschuetz (2001b), ch. 6, argues persuasively for rationalization and retrenchment then.

¹⁰¹ *Finance*: Where such activities were still financed either by rich individuals and/or out of civic or even state funds, we should not prematurely dismiss traditional evergetism: Roueché (1993), 188 and Liebeschuetz (2001b), ch. 6. With the ending of (regular) consulates in 542, all such expenditure in Constantinople at least, was imperial. *CJ* 1.36.1 for the transfer of

Finally, from Theodosius II onwards, a combination of imperial patronage and, at Constantinople, the imperial presence (elsewhere, the transformation of traditional urban political institutions¹⁰²) made the hippodrome, in particular, the focus for the expression of something approaching, in Hirschman's language, a popular 'voice'.¹⁰³ This was of a kind which, before the prominence of the factions, one associates with the theatre claque,¹⁰⁴ and which emperors (and governors) were expected to take seriously. Justinian recognized this in publicly admitting—insincerely possibly, with plausibility certainly—on the last day of the Nika Riots, that 'the fault was not yours but mine; for my sins caused me not to grant those things about which you asked me in the hippodrome'. In striking this non-confrontational pose, he copied, albeit unsuccessfully, Anastasius in 512 who, appearing without his regalia, had talked the theatre crowd out of rioting on, this time, a religious issue. Or later, when in a non-factional context, Justinian quickly acceded to demands not to revalue the *follis*.¹⁰⁵ Nor must we overlook either the growing ceremonial role of the factions ~~more~~ generally in a society where ceremonial, not least in its ability to create a shared social and religious identity and to legitimate rulers, often *was* the political;¹⁰⁶ where the hippodrome in particular was the political space par excellence in the capital (and in other major cities);¹⁰⁷ or, finally, the extent to which, as their political importance increased as a result of such developments, they probably became even more suspect to a Church which had long disapproved of them on moral grounds. They were now potential political rivals, at least in the sense that they could be mobilized against ecclesiastical interests. We should see the violent conflict between Church and factions in Antioch in 588, at least partly, in this context.¹⁰⁸

responsibilities from civic to imperial officials at Antioch in 465. But *JEd.* 13.15 (539) for imperial and civic financing in Alexandria: the *Augustalis* was to contribute 320 *solidi*, the councillors 100 *solidi*. Also Roueché (1984), ch. 1.

Young men: Roueché (1984, 1993, 134ff.). Our evidence depends heavily on seating arrangements from Aphrodisias (Roueché (1984), ch. 6). But cf. the chant in Alexandria: 'May the *young Greens* triumph': *Insc.* 24 (p. 68) in Borkowski (1981), 59ff. (my italics).

¹⁰² Liebeschuetz (2001b), *passim*. Michael Whitby (1999) shows how, following Theodosius II, an increasingly static emperor attracted attention to himself in Constantinople, thereby enhancing the importance of the factions there.

¹⁰³ For Hirschman, see Ch. 2.

¹⁰⁴ Browning (1952); Liebeschuetz (1972), esp. app. 4, with full refs. to Libanius.

¹⁰⁵ Mal. 407–8 (Anastasius); *Chron. Paschale* 623. 15–20. For imitating Anastasius, see Whitby and Whitby (note *ad loc.*).

¹⁰⁶ For legitimacy and legitimation, see here, esp. Chs 6–7; McCormick (1986). For the special role of the factions here see Michael Whitby (1999), 326–7.

¹⁰⁷ For the hippodrome as 'political space', Heucke (1994). It remained such into Ottoman times.

¹⁰⁸ Evagrius, *EH* 6.7. See subsection 'Factions as social assets 2'.

The dynamics of factional conflict: 'Youthful folly'

Reading Procopius, Jacob the Jew, and Menander Protector in terms of our model, one is struck by the emphasis of the first on faction rituals, even more by what one might see as his explanation of factional behaviour as 'mental disorder' (*psykhes nosema*)—that is, in psychological terms, if not precisely ours—and his descriptions of their group practices, costumes, and behaviour, too lengthy to quote in full. But they underscore how, for fans, *acting as members of their group*, sport can be, in the words of our epigraph, more than 'a matter of life and death', and involve them in behaviour they would not undertake as individuals, but which the uncommitted, like Procopius, or the saintly, like Symeon the Fool in Emesa, considered perverse.¹⁰⁹

Next, the *Teaching of Jacob*.¹¹⁰ This 'dialogue' was written between 630 and 640; it purports to record a conversation between Jacob, a recent convert to Christianity, and some Jews; he expounds both the limited character of the message of the Old Testament and the moral perversion of Jews. He illustrates this by reference to his own earlier life as a Jew:

I was deceived by the Devil. I hated Christ... I did evil to Christians. When Phocas was emperor, I handed Christians over to the Blues, as Greens, and I denounced them as Jews and *manzirs*.¹¹¹ And when the Greens... burnt the Mese [*sc.* the main street in Constantinople], then this time as a Blue, I beat up Christians as Greens and slandered them as arsonists and Manichaeans. And when Bonosus [*sc.* Comes Orientis under Phocas, and his brutal enforcer] suppressed the Greens at Antioch [*sc.* in connection with the sectarian rioting of 609/10], I went there, and as a supporter of the emperor, I beat up a lot of Christians, because they were Greens, and accused them of rebellion. And when the Greens [*sc.* after his fall] dragged the body of Bonosus through Constantinople, I helped them with all my heart because he was a Christian. I treated the Christians like a Pagan... I was young and well built, about 24 years old, an air-head (*mataios*). Whenever I heard or saw there was trouble, I ran there.¹¹²

Later, one of his Jewish interlocutors taxed him with what he had 'also done to Christians at Ta Makellou and the Harbour of Julian', both in Constantinople, and with all the Christians he had killed 'on the other side of the sea' at Pylai, Pythia, Cyzicus, Charax, Aigeai, and Ptolemais, his home town. In Rhodes, as a Green, he says he took up with the sail makers, and handed over to them

¹⁰⁹ SH 7; Wars 1.24.1–6; *Life of St Symeon the Fool*: n. 30.

¹¹⁰ Whether the *DJ* is a genuine 7th-cent. autobiographical account is problematic: see Dagron and Déroche (1991). But, as with many saints' Lives, circumstantial details must have been plausible for the work to have been persuasive.

¹¹¹ 'Bastards'.

¹¹² *DJ* 40–1.

Blues fleeing the East as supporters of the now fallen Bonosus. They were beaten up.¹¹³

Finally, the future historian Menander:

I did not take up the [sc. legal] profession for which I had been trained . . . I put aside serious things and chose the most disreputable instead . . . my enthusiasms were the brawls (*thoruboi*) of the colours, the chariot competitions, the pantomime ballets. I even entered the wrestling ring. I travelled with such foolishness that I lost my cloak, my common sense and my honour.¹¹⁴

These complementary texts bring out the potential violence of factional competition; the youth of activists; their (in other respects) social respectability—Jacob is said to come from a good Jewish family in Ptolemais (modern Akko), where he studied the (Jewish) law; Menander was brought up to a legal career. We observe the readiness viciously to abuse, in the style of the contemporary Feyenoord supporters in our epigraph and using religious language, the other colour ('out-group')—something seen also in the surviving dialogue, known as the *Aktā dia Kalapodion*, between the emperor's spokesman and the factions, which provides further evidence of the 'parliamentary' function of the Hippodrome which we noted above.¹¹⁵ Jacob could, in addition, travel round the Mediterranean and identify himself, apparently without difficulty, with whatever local 'branch' of a faction best served his criminal purposes. Just as a Catholic from Liverpool can attend Mass in Manila, or an Irishman buy a Manchester United T-shirt in Dublin for his son. These are characteristic behaviours of group members.

We can now consider more systematically the *inter-group dynamics* of the more committed partisans. 'Football hooliganism' is a promising initial analogy. But we cannot apply it uncritically to factional conflicts, despite its popularity in the academic literature: it ignores the political dimension of factional violence; football hooliganism is itself, moreover, a phenomenon requiring explanation. Yet modern writers do not seem to have addressed these issues or their contested analysis in the football literature.¹¹⁶

Interesting parallels with football do emerge. We have noted the predominance of 'young men' (Procopius' *neoi/neaniai*), including from the 'lower orders', amongst the activists: Roueché has shown how this was apparently institutionalized (and thereby better managed?) at Aphrodisias and no doubt

¹¹³ DJ 5.20.

¹¹⁴ Menander, fr. 1.

¹¹⁵ Alan Cameron (1976), app. C with Whitby and Whitby's comments on the text in *Chron. Paschale* 62 n. 345.

¹¹⁶ Summarized and reviewed in the Social Issues Research Centre Extended Report *Football Hooliganism* (1996), now updated and published in Marsh and Frosdick (2005). Alan Cameron (1976), 295–6, comes closest to social anthropological and psychological explanations in writing of 'male bonding' and the 'cathartic function' of the games for 'a youth who lives an otherwise ordinary and unexciting life'.

elsewhere.¹¹⁷ But there was accordingly an undoubted potential, sometimes realized, for serious violence which was not confined to the hippodrome; it was the loss of allegedly three thousand lives in factional rioting in the *theatre* in 501 that led, for instance, in 502 to a (temporary) ban on pantomimes under Anastasius *across the whole empire*.¹¹⁸ However, we must be careful. Just because the written sources focus on the major outbreaks of violence because noteworthy, it follows neither that theatrical and chariot competitions were normally violent, nor that the affrays which Menander and Jacob enjoyed—and Procopius and *On Political Science* so deplored—were necessarily, even usually, serious.

The chronicles describe a situation in which reported serious violence is not constant: it concentrates around the beginning and end of Anastasius' reign and continues under Justin I. After 532, with the bloody end of the Nika Riots, however, nothing much is noted until Justinian's last years, when there was widespread disenchantment with the regime, which Paul the Silentiary's *Description of Hagia Sophia* (662/3) addresses.¹¹⁹ Then rioting becomes once again a feature of the troubled reign of Phocas, especially in Egypt.¹²⁰ There is a further parallel with (English) football: even during the worst phases of English League violence in the 1980s and 1990s, only some 10 per cent of games were affected to any noticeable degree. Similarly, in Northern Ireland, the Orange Marches on 12 July, the anniversary of the Battle of the Boyne in 1690, tend to polarize society between the two main community groups. But only a handful of such marches normally end in violence, despite the adverse media coverage of a few trouble spots, which do, however, have the potential to paralyse the province. I can recall one long, tense detour to avoid 'Orange' roadblocks over 'the Twelfth', with my driver wearing a Union Jack T-shirt (in Constantinople, no doubt a Blue or Green sash would have served depending

¹¹⁷ Roueché (1993).

¹¹⁸ The evidence is confused, but John of Antioch, fr. 101; Mal. 395; Marcellinus *a.* 501; Theophanes, *AM* 5997 give the flavour. See Alan Cameron (1976), 226–7; (1973), 231. For a *theatrical* ban under Justinian in Antioch, Mal. 448. As Cameron remarks, notwithstanding the mayhem factional activity could cause, it was on balance desirable to let the competitions continue; they kept too much of the population happy and occupied too much of the time. Fronto would have understood. Theatrical performances were normally competitive also.

¹¹⁹ Bell (2009), for Paul and the political background, with full sources.

¹²⁰ Even allowing for patchy coverage in the sources, especially Malalas, for mid-cent. and a concentration on the capital and Antioch, the number of incidents that 'made the front page' appears small, even in 'bad' periods, given the distribution of factions empire wide (for details, Alan Cameron (1976), app. B), and the frequency and regularity of competitions. For the critical role played by the factions in the Aykelah revolt late in the reign of Maurice (r. 582–602) and later risings against Phocas in Egypt: Liebeschuetz (2000), 274–8, and Booth (2011). Here, in the apparent absence of an effective military presence, the Blues backed Phocas, the Greens Heraclius, as did the latter in Constantinople at a time of near social breakdown there. One suspects the factions were being used, as Justinian used the Blues, to advance his career or resist Heraclius' rise to power.

on the area), in case we were stopped by young, potentially violent Orangemen. Most of such marches, however, are jolly family occasions: my tennis club belonged to a Presbyterian church on a marching route in South Belfast; we used to raise funds by selling sandwiches and (soft) drinks to spectators. In short, while group behaviour can generate extreme violence, it does not always or even usually do so.

So we can, after all, draw tentative analogies with football. Two sociologists, having looked at the ancient parallels, confirm this: one, the Italian sociologist del Lago, entertains the concept of an *ideal type* of sporting violence or partisanship; both he and Marsh incline to see 'hooligan behaviour' in terms primarily of ritualized, mainly *non-violent* behaviour—chiefly by adolescent males—subject to a range of tacit disciplines and conventions ('group norms'). They see, therefore, the football stadium as a 'symbolic theatre' for largely ritualized exchanges between 'friends' ('in-groups') and 'enemies' ('out-groups').¹²¹ Here we recall Veyne's argument that the hippodrome was the scene of 'a drama represented according to the forms of monarchical style and splendour' and a 'form of symbolic violence' aimed at securing 'the emperor's attention and bread' and, more generally, serving as a recognized space for the voicing of popular demands.¹²²

The resonance with our circumstances is strong. As Cameron remarks of the religious slurs in the dialogue between the Greens and Justinian's *mandator*, far too much has been read into what was standard ritual abuse, not least in factional exchanges.¹²³ Remember Jacob, when a Blue, calling Greens 'Manichaeans and incendiaries'?¹²⁴ There may sometimes be some sectarian animus underlying such chants, as in Feyenoord vs Ajax, in our epigraph, or at Rangers vs Celtic matches in Glasgow. We have already postulated stereotyping and denigration of out-groups as standard group behaviour. But the insults in the sources are not necessarily more serious, so an ardent Millwall supporter (and former civil service colleague) sought to reassure me, with a refreshing lack of political correctness, than the once recurrent racial abuse at his club: 'we just shouted what was most likely to piss off the other lot'. Put differently, one can have the passionate, even suicidal, enthusiasms and commitments of factions or football teams, without *necessarily* any accompanying religious or political baggage. It is the behaviour of fans as *groups* that counts.

¹²¹ n. 118.

¹²² Veyne (1976), ch. 4.

¹²³ Alan Cameron (1976), 140ff., app. C.

¹²⁴ *Manzir* apparently means 'bastards'; *kausopolitai*, not in *LSJ*, presumably means something like 'arsonists'.

Factions as social assets 1

That there were so very many occasions when serious violence did *not* result from factional group activities helps us understand why, *on balance*, factional conflict may have been a stabilizing factor in a volatile and violent society. This conclusion becomes more compelling if the factional supporters embraced the 'socially excluded' in the late antique city, who were, as Patlagean conjectured, also at the heart of what she termed 'urban brigandage'.¹²⁵ *Stasiotai*, the militant core of factional supporters, may have been more actively involved, as Procopius¹²⁶ suggests, in wider crime, violence, and intimidation—as well as, for instance, serving as the orchestrators of factional chanting or as claqueurs in the theatre, on behalf of whoever was paying them: public funds, local notables, or rich young men. But large-scale violence was by no means a universal feature of factional activity. After the Nika Riots, the capital appears free of major violent conflict until the last years of Justinian's reign, and then there were further eruptions associated with the overthrow of Maurice and Phocas, and the coup of Heraclius. So, if Patlagean is correct in seeing the factions as a magnet for the underclass (amongst many others, like Menander and Jacob, who were certainly not members), we may conclude that the ritualized conflicts of the hippodrome or theatre (usually) helped prevent their turning into (large-scale) actual violence by absorbing potential trouble-makers and defusing their aggression into ritual activity.

We would also expect, in terms of group theory, that the groups represented by the factions, certainly the *stasiotai*, would display a *greater extremism* in attitudes held as group members than by the same people as individuals. The same would be true of the less committed once an incident had catalysed a wide element of popular support—as, for instance, did the refusal of the urban prefect to pardon two killers, one from each of the factions, which triggered the Nika Riots. This would include struggling on behalf of their group, despite the death of some members, and an occasional readiness to engage in activity leading to their own torture and demise—which Procopius, we saw, regarded as deranged.¹²⁷ Such extremism, whether or not accompanied by marked in-group preference and out-group discrimination, does not require large differences between the two groups. Indeed, in conflicts where there is little objectively to differentiate the competitors, rivalries are often at their most intense. This is demonstrably so with 'needle' football matches. Sometimes there is a religious/community dimension, but this does not apply to, say,

¹²⁵ Patlagean (1977), 203–15. The analysis in Liebeschuetz (2000), chs. 6 and 8 provides more detail, and broadly supports the analysis here.

¹²⁶ SH 7.

¹²⁷ Wars 1.24.

West Ham vs Arsenal (both London teams), or Greens vs Blues.¹²⁸ Yet once a group identifies itself as a group, the pressures are towards *maximizing differences*, including perceived superiorities, while at the same time *reinforcing group uniformity and cohesion* through, for example, chanting and 'off-stage' social bonding, such as those faction members whom Symeon the Fool found peaceably doing their laundry together in the Orontes, in Homs.¹²⁹ Religious groups exhibited (and exhibit) similar behaviours.

Such well-documented behaviours as extremism and bonding clearly operated in factional competition. Self-categorization theory also suggests how self-identification with a faction could supply a sense of identity (and self-worth) both, in Patlagean's terminology, to the otherwise socially excluded and, more generally throughout the empire, to individuals whose primary source of social identity, collective self-esteem, and value derived from the rituals of the Pagan city had been weakening from at least the reign of Diocletian (284–c.312). The importance—and value—of the factions during our period in helping to create such new 'post-civic' identities was first mooted speculatively by Roueché. In her support, we can also cite the well-attested parallel relative decline in civic institutions and the gradual transition to rule by imperial officials and unaccountable notables, including bishops, from rule by town councillors (*curiales*). We can get some sense of this, for instance, from both epigraphy and the tendency—not to be overstressed—to define individuals by region of origin, rather than city: John the *Cappadocian*, for example, or John the *Lydian*.¹³⁰ We might also regard the upsurge in those poems and epigraphic dedications to chariot heroes catalogued by Alan Cameron as more evidence of a transition from traditional *civic* epigraphic testimonials to government officials and local notables (who included bishops).¹³¹ Both sets of phenomena represent, of course, further examples

¹²⁸ Phil Booth tells me, however, that such teams are conscious of their geographical (and social?) place in London: when playing Chelsea, West Ham fans chant: 'East, East, East, East London'.

¹²⁹ *Life of Symeon the Fool* 166, in Krueger (1996).

¹³⁰ Roueché (1993), 155–6. See Liebeschuetz (2001b), esp. chs. 3 and 4, with full evidence for the decline of civic institutions; ch. 6 for reorganization of the factions. For epigraphic indications of this phenomenon, see the inscriptions to notables documented in Roueché (1989), 123–52. Corycus (mod. Kız Kalesi) provides excellent examples: for the tombs there: Trombley (1985). Of 456 inscribed tombs, only 38 (8.3%) apparently commemorate officials or military personnel. (Many, as I have myself seen (2001), are marked, however, by nothing more than a cross and, sometimes, also a simple (Christian) text.) This development parallels changes in local government in the same city: MAMA III 197A provides that the key posts of *defensor* and *curator* of Corycus were to be elected by the bishop and chosen inhabitants of the city, not the council. This corroborates *On Magistracies* (3.49), Mal. (400), and Evagrius (*EH* 3.42) evidencing the end of curial government in Anastasius' reign (though not of onerous financial responsibilities for *curiales*). For continuing civic allegiances, however, see e.g. Procopius' productive bonding with a fellow citizen from Caesarea (*Wars* 3.14.7), or John the Lydian's repeated emphasis on his hometown, 'our Philadelphia' (e.g. *On Portents* 53, *On the Months* 4.2).

¹³¹ Alan Cameron (1973), *passim*.

of the emergence of the new 'service aristocracy' noted in Chapter 3, in parallel with the emergence of a 'post-civic' political and administrative culture in the empire.

But changes in self-categorization and group identities were not solely the result of changes in civic life and its associated traditional cults from the late third century, or even the reorganization of the public entertainment scene from the fifth century onwards. We must also recognize how such group identities were promoted by the special outfits adopted by *stasiotai*: moustaches and beards worn long in the 'Persian' style; heads shaved, but also flowing long at the back in a 'Hunnic' manner; expensive clothes; and above all sleeves narrow at the wrist, but billowing out at the shoulders and soaring in the air as the *stasiotai* waved their arms in theatres and hippodromes across the empire.¹³² Imagine yourself in one of those hippodromes or theatres, in the electric atmosphere of a competitive sporting or theatrical event. Feel yourself crammed among the thousands watching, like Corippus, that exotic sea 'when the great waves of white sleeves roll'¹³³ as the factions lead the crowds in chanting, with gestures, the praises of God and emperor, partisan slogans, or the specific requests that also feature in our acclamations. For visual evidence of what this might mean, look at the musicians and dancers portrayed in the Hippodrome obelisk (Fig. 4.2), or the gesticulating, banner-waving *stasiotai* on the monument to the great Porphyrius originally located on the spine of the same hippodrome, illustrated in Fig. 4.4. To feel the emotions so stirred up, capable of overriding quotidian prudence, and leading to actions that individually and emotionally unprimed one might never contemplate *except* in a group, one must probably go now to a critical football match, a revivalist church, or, as I once did, a papal public audience in St Peter's, Rome. Notwithstanding a rigorous Methodist upbringing in the North of England, my friends and I, all on a school trip, joined the thousands in the cathedral in chanting 'Viva il Papa'. In another time and place, it might well have been: 'Long life to the Emperor' (as in Fig. 4.3), or 'Heil Hitler'. Both are reminders that group fervour and acclamations remain no less a feature of religious than of sporting or political activity, and have the power to lead people into doing things they would never dream of doing—indeed would be ashamed of doing—as individuals.

We have focused so far on how the factions behaved as *groups* (operating in social contexts of high emotional and competitive excitement) and on their overwhelmingly ritualistic character, particularly through acclamations in which they led members of their communities less committed than the *stasiotai* themselves. Through this, they were intimately enmeshed in the

¹³² SH 7.

¹³³ Corippus, *In Praise of Justin II* 2.316: *ut ueniunt densae manicis albentibus undae*.

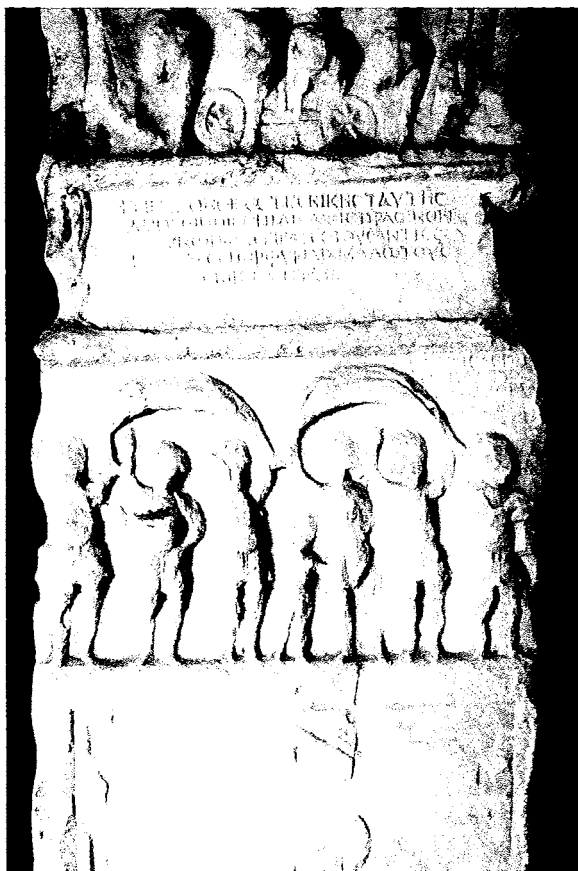


Fig. 4.4 *Stasiotai* waving banners to celebrate Porphyrius, from base of sixth-century dedicatory statue, formerly in the hippodrome in Constantinople (from the National Archaeological Museum, Istanbul).

basic structures and politics of sixth-century urban life.¹³⁴ Deliberately underplayed has been their alleged social dysfunctionality, stressed by critics from Procopius onwards. These may, however, have been more antagonized by the way the factions could, on occasion, demonstrate against their interests (or mug them in the streets), and how they might be manipulated by the arch-fiend Justinian.¹³⁵

¹³⁴ Evidence summarized by Michael Whitby (1999).

¹³⁵ For how the factions can be generically and uncritically condemned, see Michael Whitby's excellent (1999) article. Yet this is tendentiously entitled 'The violence of the circus factions', in a volume called *Organised Crime in Antiquity*!

Factions as social assets 2

But factional violence *could* be a grave problem. Probably, as Procopius claims and Jacob and *On Political Science* partly confirm, it affected many cities at some point, and did sometimes cause the widespread damage alleged.¹³⁶ Indeed, one of the protagonists in the dialogue *On Political Science*, supposedly a 'patrician' and, therefore, at the peak of the social hierarchy, cannot bring himself to mention the name of the factions. His interlocutor asks: 'Why do you groan "as if . . . from the depths of your soul" like a man outraged?' He replies that their activities cause worse damage than civil war.¹³⁷ We remember, after all, the near catastrophe of the Nika Riots, of which the outraged patrician may forgivably have been thinking. Our 'correction', however, is rather to stop too concentrated a focus on such occasional extreme violence obscuring how the factions, normally, played an *integrative* role in the society of the empire, and the *positive* resource they represented to emperors (and to those other members of the elite who were still involved in the organization and funding of games) in both systemic and social terms.¹³⁸ The racing and the theatres were, after all, primarily the 'cheerful circus pleasures' of Corippus, meriting imperial (and other) support, and perhaps, as Ovid suggested, still a good place to pick up women.¹³⁹ Sixth-century emperors could even have children's games reflecting the adult contests of the hippodrome portrayed in mosaic on the palace floor, as shown in Fig. 4.5.

We cannot, therefore, accept uncritically the snobbish, often self-interested disparagements of ancient authors from Juvenal and Pliny onwards—although, in disparaging the fans for their attachment to a *colour*, rather than to an individual charioteer, the latter captures the *group character* of factional support at all periods.¹⁴⁰ And it may help to anticipate part of our wider conclusions.¹⁴¹ These offer a model of the late empire in terms of a set of conflicting forces: 'vertical', in terms of inter-class conflict; 'horizontal', in terms of centrifugal and centripetal pressures, with the successful management

¹³⁶ *Wars* 1.24 claims that 'in every city' the population has been divided 'for a long time past into the Blue and Green factions'.

¹³⁷ *Dialogue* 5.107–8.

¹³⁸ For funding by local notables: e.g. the Apions, for whose local importance see Ch. 2 here, still played a part in running games in Oxyrhynchus in Egypt: Alan Cameron (1976), 10.

¹³⁹ Corippus, *In Praise of Justin II* 1.344. Benefactors included even a patriarch of Antioch, Gregory: he helped rebuild the hippodrome there after 588 to win popularity (and ingratiate himself with erstwhile opponents); John of Ephesus, *EH* 3.26ff., strongly disapproved. Choricus of Gaza robustly defended the benefits of the theatre: *Apology for the Mimes* 344–80. *JN* 149 lists theatre maintenance as among the universal benefits of taxation; keeping the hippodrome in good order is a duty laid on the governors of Cappadocia: *JN* 30.7; *JN* 105 insists on a variety of consular games. For Egypt, *JEd.* 13, see Ch. 3 here. The (Roman) hippodrome as 'pick-up point': Ovid, *Ars Amatoria* 1. 89ff., 135ff.

¹⁴⁰ Pliny, *Ep.* 9.6.

¹⁴¹ Ch. 8.

(a)



(b)



Fig. 4.5 (a-b) Children imitating adult races at the hippodrome, sixth/seventh centuries, Great Palace mosaic, Constantinople (from Jobst et al. 1997).

of both amongst the chief concerns of the imperial government. Factional behaviour, like that of the churches, is important on both axes: vertically, in providing for group identification that cut across, and to that extent defused, class divisions; horizontally, in providing a means of unifying self-categorization, geographically, across the entire empire. Justinian, for instance, exploited this one way, through his patronage of the Blues, empire-wide, before his accession; Jacob in another, by identifying himself and joining up with one or the other of the two main factions wherever it helped him hurt Christians. Such identification by faction was not new, but Roueché plausibly argues that it became even more important for people faced with the disruptions and near civil wars of the reign of Phocas. Thus, between 610 and 614, displaced persons reaching Jerusalem could, for example, just be identified as 'Blues' or 'Greens' *tout court*; Jacob reported 'Blues' fleeing from the East to Constantinople, as if this was their primary social identity.¹⁴²

We are witnessing here new identities emerging which united people 'in every city', according to Procopius, with rituals and loyalties they could carry from Constantinople to Antioch or Alexandria, and which could also cut across conflicting religious (or class) identities. Indeed, Procopius complains that the *stasiotai* disregarded religious obligations; Malalas laments that each faction supported their own side 'as if it were a religion'—a description which helps us in turn grasp the violent fanaticism of Christian factions, as at Alexandria in the 530s where soldiers had to be called in to restore order.¹⁴³ Once we have chucked the idea that Blues were intrinsically 'Chalcedonian' and Greens 'Miaphysite', we have yet another reason for regarding the factions as a valuable centripetal force in the empire. They could include men (and even women, as Procopius deplores¹⁴⁴) of various religious affiliations, forming groups which embraced individuals who might otherwise have been segregated by the kind of religious polarization reported, say, by the monastic biographer John Moschus; which the hermit and 'agony aunt' Barsanuphius enjoined—with reservations. As also did the Alexandrian saint and patriarch John the Almsgiver, who insisted that the 'faithful', for him Chalcedonians, avoid those associated with 'heretics'—leading to families 'cutting' each other in the streets.¹⁴⁵ Where the factions were strong, as at Antioch or Alexandria, it was useful, on balance, that major social groupings existed that transcended, rather than exacerbated, Christian divisions.

¹⁴² Antiochus Strategus, in Roueché (1993), 155; *Doctrina Iacobi* 5.20.15.

¹⁴³ *Wars* 1.24.1; Mal. 176.

¹⁴⁴ *Wars* 1.24.6 suggests that, while supporting their men folk in factional disturbances, women no longer attended the shows themselves, alas, as in Ovid's day.

¹⁴⁵ 'Cutting' heretics: John Moschus, e.g. 12, 26, 49, 178, 188; *Life of John the Almsgiver* 42; Barsanuphius, *Questions and Answers*, e.g. 733, 775, 776; John Rufus, *Plerophoriae* 38, 39, 40, 61; Michael the Syrian, 8.11–12.

The factions were again centripetal in counteracting potentially centrifugal aspects of the rise of the new 'service aristocracy', with their growing estates, their associated local patronage and increasingly socially depressed workforces, and, sometimes, competition with the emperor for tax revenues. Indeed by helping finance the factions, to what degree we cannot say, some magnates at least strengthened the regime, as well as their own prestige and influence, through another manifestation of patronage.¹⁴⁶ This shows itself, symbolically, in the factions leading the populace in repeated acclamations of benevolence to the emperor. But they also affected how politics was done. Through the 'acclamation culture', they gave the lower strata a 'voice' for furthering their demands (e.g. for cooking oil, against requisitions, for changes in the exchange rate with gold, clemency for convicts, against unpopular officials, or bakers . . .)¹⁴⁷ and also fostered group solidarity.¹⁴⁸ Similarly, the episode of Marathres and the Blues of Tarsus showed how factional links between that city and Constantinople could provide 'extra-legal' redress to the alleged abuses of a local magnate.¹⁴⁹

Carile has developed these themes, especially where inter-class tensions are concerned: for him, analogous to imperial religious ceremonial, factions united the different classes of society in a way that an emperor could consciously exploit.¹⁵⁰ He saw the political value of the factions in embracing individuals from the highest to the lowest levels in a common group loyalty targeted against another similarly (artificially) constructed group, while individually both factions usually remained supportive of the regime. This helps explain why the emperor Zeno was relaxed about the attack on Jewish graves in Antioch by Greens around 490, in contrast to Theodosius' reaction to the defacement or destruction of imperial statues there in 378. All such rioting was unacceptable and savagely repressed¹⁵¹—but that of 490 threatened neither the integrity of the empire nor the *dignitas* of the emperor. Jews were expendable both as Jews and as Blues. The utility of the factions to the regime was, however, still greater. Isidore of Pelusium sums it up perfectly: 'while chariots and pantomimes are a source of civic strife', they were introduced 'to distract the idle population from sedition'.¹⁵² Usually they succeeded.

¹⁴⁶ e.g. the Apions subsidized (mainly) Blue staff and horses: *P. Oxy.* 140, 152, etc. (Blues); 145 (Greens). Liebeschuetz (2001b), ch. 6 for further examples.

¹⁴⁷ *P. Oxy.* 216–17.

¹⁴⁸ Although acclamations were not confined to them: senators and bishops could also exploit this practice: see e.g. the senate minutes introducing the Theodosian Code (*CTh.*, introd.); the *Acts of the Council of Chalcedon* (= Price and Gaddis 2005), *passim*; Roueché (2009).

¹⁴⁹ *SH* 29.

¹⁵⁰ Carile (1978), 49–51.

¹⁵¹ *Mal.* 389–90.

¹⁵² Isidore of Pelusium, *Ep.* 5.185. The same tradition seems reflected in Michael the Syrian, *Chron.* 11.1. Lim (1997b).

This also helps explain Justinian's behaviour: first, under Justin, he exploited his patronage of the Blues to have an impact *throughout* the empire, not just in Constantinople;¹⁵³ second, we can see his partisanship—up to his accession—as an example of in-group preference at the expense of groups, including other factions, to whom he was not beholden; and third, as the building and consolidation of a popular constituency. Of these, the first follows from our earlier analysis, the second from our understanding of group theory, the third requires elucidation. All three are discussed below.

Michael Whitby has shown how the greater prominence of the Blues and Greens reflected changes to the imperial office.¹⁵⁴ Since 395, the emperors had been primarily based in the capital; after the fall of the 'warlord' Gainas in 400, they were not creations of the army. Hereafter, the support of the senate and people for a new emperor became increasingly important; it was reflected in the transfer of the installation ceremonies from the military camp at Hebdomon, a few miles south-west of Constantinople, to the ultimate 'political space', the hippodrome. How better to mobilize popular support both in the capital and beyond than by winning that of a major faction, once the factional system was embedded throughout the empire?¹⁵⁵ It is, in fact, with the accession of Justin I in 518 that we first hear of the political activities of the factions by name. Unsurprisingly, it is the Blues—with whom Justinian was to be so closely associated—who apparently dash the chances of Paul, the imperial candidate of a 'Guards regiment', the *excubitores*. Later both factions join in making, or rather leading, the loyal acclamations recognizing Justin as emperor. This potential to *legitimize* gave the factions real power. Even Alan Cameron, despite trying to reduce their role to 'ceremonial', conceded that their ability to lead acclamations made them 'potentially important'.

What could happen when the factions were not usefully split, Justinian learnt painfully in 532. Some of the detail of how the emperor and his rivals tried to manipulate the rapidly evolving Nika crisis remains obscure. But its underlying dynamics can be straightforwardly understood in terms of the initial and customary group rivalries between the two factions, mishandled by the emperor so as to give them (highly emotive) reasons for uniting against the authorities.¹⁵⁶ They acquired thereby, as group process theory would put

¹⁵³ To which the cryptic reference (Theophanes, *AM* 6013, 519/20) to five years of Blue terror originating in Antioch may be a further allusion. John of Nikiu, 90.16, says Justinian was involved. *Proc. SH* 1.7 for manipulation in Constantinople. It is such manipulation that the *Dialogue* (5.107.) was probably attacking, and of which the Aykelah revolt in Egypt may afford further evidence.

¹⁵⁴ Michael Whitby (1999).

¹⁵⁵ Liebeschuetz (1972), 158–61.

¹⁵⁶ Greatrex (1997) argues persuasively that Justinian was partly the architect of his own misfortunes. I am not persuaded by the suggestion of Meier (2003) and others that Justinian may have himself provoked the Nika Riots to flush out and then destroy his senatorial enemies. Apart

it, a 'superordinate goal', beyond their normal colour preference, *on which they could cooperate*, leading to a rapidly deteriorating situation, exacerbated and exploited by hostile senators, of a kind familiar to the social-psychological literature. Indeed, when Malalas wants to show how serious was the joint revolt of Jews and Samaritans in 556, he describes them as 'uniting together like faction members'.¹⁵⁷ Hence the political imperative of keeping at least one faction onside: divide and rule. This was so obvious to Malalas that he ascribes this tactic to his 'Romus' (our 'Romulus') and describes it as one followed by all later emperors—with the exception, tactfully passed over, of Justinian at the start of the Nika Riots.¹⁵⁸

We can see one technique of manipulation in the *Easter Chronicle's* description of Justinian's agent, Narses, the eunuch of the bedchamber (*cubicularius*), with his men, seeking to buy off the Blues during the Nika Riots.¹⁵⁹ Another of the emperor's tactics may have been to try and have it both ways: keeping the 'out-group' onside also, by having his chief minister, John the Cappadocian, patronize the Greens. He ~~seems~~ to have employed Theodora in the same way: when it suited, as a fervent Blue, but also at times as the Greens' advocate with the emperor. More generally—and entirely plausibly—Procopius sees the emperor and his spouse as 'always working together but in public they would pretend to disagree with each other in order to divide their subjects and strengthen their hold upon the throne'.¹⁶⁰ Finally, we find an imperial governor in Antioch mobilizing *both* factions, amongst others, against Bishop Gregory in 588. This reminds us, lest we overestimate the power of the factions and underestimate those of a powerful bishop, that a powerful ecclesiastic could hold his own. Thus Evagrius:

The entire upper tier of the city was separated off into Asterius' [sc. the governor of Syria's] party, and he also enlisted the popular element and those who practised trades in the city. For each of these asserted that they had received some injury. *Finally indeed the populace was given licence to make hostile chants against him* [sc. the patriarch Gregory]. Accordingly, since both factions (*tō dēmō*) had united into a single opinion, they were shouting insults... while those on stage did not refrain from these.¹⁶¹

from a lack of evidence, this comes uncomfortably close to denouncing 9/11 as a US Government or Zionist plot.

¹⁵⁷ Mal. 487 which could imply such unity may have been more common than the sources indicate: cf. factional unity in Alexandria in 515–16 in protesting over the price of oil (Mal. 407). Theophanes, *AM* 6048, writes that the rebels combined into a 'Green-Blue faction'.

¹⁵⁸ Mal. 176–7.

¹⁵⁹ *Chron. Paschale* 626.

¹⁶⁰ *On Magistracies* 3.62. For similar 'exploitation' of Theodora in using her to keep the Miaphysites onside: see Sect. 3, and Ch. 6. Theodora and J., as 'double act': *SH* 10.13–23.

¹⁶¹ Evagrius *EH* 6.7; my italics. Whitby rightly translates *tō dēmō*, dual, as 'two factions'.

On his triumphant return from the capital, Gregory sought to insure himself against further factional opposition by contributing to the construction of a new hippodrome in Antioch.¹⁶²

Such examples show again how factions could be *manipulated*. If Justinian, through Narses, could bribe Blues, others could bribe Greens (or both sets of factions, once senators etc. opposed to Justinian saw an opportunity on the sixth day of the Nika Riots¹⁶³). Nor can we be certain that the demonstrations against John or Tribonian at the time were ‘spontaneous’: the deposition of Bishop Ibas of Edessa a century earlier is an example of how spontaneous public demonstrations might be rigged.¹⁶⁴ Conversely the factions, in expressing a popular voice, could apply pressure in their turn, just as theatre crowds could formerly be orchestrated to put pressure on governors in Libanius’ Antioch.¹⁶⁵ Many of these themes will resurface as the actors change from the special costumes of the *stasiotai* into the vestments of the clergy.

SECTION 3—CONFLICTS BETWEEN CHALCEDONIANS AND MIAPHYSITES

For my part, if I am to write the truth, my inclination is to avoid all assemblies of bishops, because I have never seen any council come to a good end, nor turn out to be a solution of evils. On the contrary, it usually increases them. You always find there love of contention and love of power.

Gregory of Nazianzus, Ep. 130

Unless God’s truth is disclosed to us in absolute determinate propositions, salvation is at risk.

Cardinal Ratzinger (later Pope Benedict XVI) to the then
(Anglican) Archbishop of York, John Hapgood, *Times Literary
Supplement*, 13 May 2005

Introduction

The Chalcedonian–Miaphysite conflict is harder to understand than that of the factions: the ‘rules of the theological game’ (and of associated church politics) had an intellectual sophistication—at the higher church levels—which the latter lacked, notwithstanding my attempt to sketch the central

¹⁶² John of Ephesus, *EH* 5.17.

¹⁶³ *Wars* 1.25.25.

¹⁶⁴ Evidence in Liebeschuetz (1972), 217–18.

¹⁶⁵ Liebeschuetz (1972), 208ff. with full refs. to Libanius. Also *Mal.* 488.

problem in straightforward language. Some no doubt also thought that they were engaged in a search for 'Truth'; many cared desperately about the issues, in ways all too typical of religious disputes then and now. And, if enough people care about some issue or belief, then irrespective of its reality, it can possess wider sociopolitical prominence. Also, as our earlier example of Northern Ireland showed, religious and political disputes can be two aspects of the same conflict. In our period, the central theological issues were certainly ones of the highest political significance, involving at worst murderous disputes amongst an increasingly important section of the power elite, the bishops and their partisans, whom the former could draw into their webs through powers of patronage, influence, even religious conviction from every social level across the empire. There are also those, according to Pope Benedict, who still see their eternal salvation depending on getting the 'right' answer to subtle and arguably vacuous questions. We may, in fact, understand this conflict better if we treat the combatants as groups who were engaged in a wide-ranging, continuously evolving sociopolitical dispute whose ramifications were far from confined to theology, even if that discourse furnished the language of the discussions, rather than as taking part in a narrowly academic debate—and they can become pretty passionate too. For in this conflict, although theological concepts and the religious beliefs of many of the participants played an important role, they often served as proxies for other issues, including the power and status of the prelates involved. This point many besides Gregory recognized even at the time, although he also suggested that one of the preferred means of reaching agreement on these matters was pretty hopeless. Multilateral negotiation, of which diplomacy—and church councils—are a species, has too many virtues to enumerate as a means of arriving at mutually satisfactory and peaceful accommodations so far as primarily political disputes are concerned. But it is not an ideal, even a satisfactory, vehicle for determining what is or is not *true*.

Nevertheless, it remains remarkable just how much progress was made during the sixth century. We can see this, if we treat high-level theological debate as part of a Mediterranean-wide process seeking resolution of doctrinal disputes, not least by methods of diplomacy and skilful drafting which have so much in common with narrowly 'secular' diplomatic negotiation. We then shall investigate the links between such rarefied activities and the wider society. This will lead, finally, to a more systematic investigation of imperial religious policymaking, set in its wider non-ecclesiastical social and political context, and with the insights of the psychological theory of group processes never far from our minds.

Theology as diplomatic negotiation

The salience of Christianity and the linked *power* of the higher clergy in late antiquity are indisputable.¹⁶⁶ Whatever the rhetoric deployed about God, Faith, or the Church, whatever the religious passions with which some held the views they so vigorously advocated, theological conflicts were, in a society where the Christian churches wielded great secular power and prestige, inevitably *political* conflicts with profound social implications. **Lacking one central religious authority, despite the aspirations of Rome, and with differing local customs and autocephalous churches in the East, wider church unity rested ultimately on shared, negotiated definitions of faith, in which emperors were inescapably involved.**¹⁶⁷ Leading churchmen, senior bishops, and some monks were inevitably political players with power or influence within their own jurisdictions and often beyond—even if this power frequently depended on intensive efforts to build and maintain, through preaching and good works, a reputation for holiness at home and the construction there of a power base. It also depended on networking abroad, bribery and coercion, and—ideally—imperial access.¹⁶⁸ **We can, therefore, treat doctrinal controversy at the highest levels, with its pursuit of dominance, as *political negotiation* in its methods even if its subject matter is at least nominally theological.** In such negotiations, language, in the sense of drafting, is of the essence; and the various councils and preliminary ‘conversations’ can be seen as political fora in which emperors and, sometimes, their spouses—Marcian’s wife, Pulcheria, or later Theodora, for example—could play a critically important role, even if imperial intervention sometimes produced short-term agreement at the cost of longer-term harmony.

It would be wrong, therefore, although understandable, to claim that theology did not *really* matter in these ecclesiastical debates. Such a claim would rather reflect our contemporary relative unfamiliarity in the West with religion, or aspects of Christianity, being *the* political issue—notwithstanding the diplomatic character of the late antique theological discourse or the secular ambition and questionable methods of key players—of, for example, popes like Leo, or patriarchs like Cyril and Dioscorus, which even other Christians recognized and deplored.¹⁶⁹ At the same time, we must not fail to appreciate the wider political concerns of successive emperors. Nor the fact that for many, even in antiquity, the passions aroused by hair-splitting theological

¹⁶⁶ For bishops’ growing power: Liebeschuetz (2001b), ch. 4; Rapp (2005a), esp. chs. 7–9. See Ch. 6 here, subsection ‘The Church’.

¹⁶⁷ Meyendorff (1989), ch. 1. De Ste Croix (2006).

¹⁶⁸ Non-episcopal players: e.g. the Akoimetoι in Constantinople, Sabas in Palestine. For networking in e.g. Severus’ case: Allen and Hayward (2004), 22; P. R. L. Brown (2002), for the poor as a power base; also Rapp (2005a). For bribery, see e.g. Cyril, *Ep.* 96.

¹⁶⁹ e.g. Isidore of Pelusium, *Ep.* 5.185; Gregory of Nazianzus, *Ep.* 130.

definitions amongst prelates were far greater than those differences justified, especially when, as Evagrius observed, the combatants had so much more in common theologically than the minutiae that divided them. Procopius was similarly enraged at 'the insane folly of attempts to investigate the nature of God'.¹⁷⁰

This becomes clearer if one accepts Price's analysis of the theology of both Chalcedon and Constantinople II.¹⁷¹ For him, the theology of both, and of Chalcedonians and Miaphysites, was Cyrillian: everyone, that is, recognized in 'Christ... a single being who possesses the fullness of Godhead and the fullness of manhood, the two natures being truly united... yet preserving their distinctive qualities'—even if they used different words.¹⁷² As a summary of the lowest common denominator of the controversy, this *may* work, although I shall offer some reasons for scepticism below. But the Devil loves detail, especially in theology. Words have a life of their own: people (and institutions) become attached to specific formulae over and beyond their literal meaning. Nor should we too readily believe, for example, that key players over more than one hundred and fifty years understood all the key terms in the same way; that their meanings remained constant over time; that Pope Leo's understanding of the 'two natures' of Christ in his *Tome* (449) is compatible with Cyril's—as Severus thought it was not; or even that Cyril had a consistent view, notwithstanding the ducking and weaving that characterize his dogmatic formulations. Nevertheless, to the dispassionate observer, there seems no compelling narrowly intellectual reason why the reconciliation of the main players and their factions, likened by Price to political parties, should have proved insuperable. That it did (and the parties remain unreconciled) is persuasive evidence that other factors were at work: some political, but also psychological, and certainly reflecting the hold of particular formulations (or slogans) of doctrine on the party leaders and on their constituents across the empire. We simply cannot overlook the way the theologian-negotiators worked and thought *as group members*, and how theological formulae functioned as factional slogans and badges of identity which could transcend their intellectual and literal significance. This will become clearer in what follows.

We might make a comparison between theological debate after Chalcedon and comparable debates within nineteenth- and early twentieth-century Marxism, seeing both as esoteric and ideologically self-interested discourses of a specialized section of the elite.¹⁷³ Whether they were educated through the late antique *paideia*, like the patriarch Severus, or were laymen like Justinian,

¹⁷⁰ Evagrius, *EH* 2.5; Procopius, *Wars* 5.3.6.

¹⁷¹ Price and Gaddis (2005); Price (2009a, 2009c).

¹⁷² Price (2009a), 73.

¹⁷³ See e.g. Service (2002), for the marriage of ideology and political interest in late 19th-/early 20th-cent. Europe.

the key players were masters of theological debate—though this is not true of all their supporters, or even of all bishops attending the councils.¹⁷⁴ They were working to secure their theological—and wider—objectives through debate; failing that, it was the aim of successive emperors, who are our main concern,¹⁷⁵ to achieve a widely acceptable doctrinal, and therefore political, *modus vivendi*—but within a context where consensual agreement was, however, increasingly hard to secure for institutional and intellectual reasons. These included: first, the agonistic and intolerant character of dialectic, which made it easier to identify winners and losers—but rendered compromise harder.¹⁷⁶ Second, the existence of such power centres as Antioch or Alexandria, which had developed self-confident, if contested, traditions of theology, each with an associated linguistic currency of shifting value and rampant polysemy¹⁷⁷—and, as Justinian recognized, a strong sense of history, so that compromise over Chalcedon could be seen, by Miaphysites in particular, as a betrayal of previous patriarchs (and their own sense of group identity), as well as their understanding of God.¹⁷⁸ A third complication was the regular resort to abuse, threats, and—especially imperial—coercion, balanced by remarkable papal intransigence on anything that might diminish the perceived standing of the Roman see or its claim to speak definitively on doctrine, even at the expense of wider Church and imperial harmony.

We shall accordingly treat—another simplification—the development of theological discourse (and associated lobbying) as stages in a diplomatic process beginning with the formulation of concepts, consolidating the controversialist's own position, worsting opponents, and winning and retaining support, from the emperor if possible, by a variety of means. These ranged from preaching, networking, correspondence, and lobbying; through bribery and street violence; and then (often protracted) 'conversations'. Finally might come negotiations and a church council. This would, ideally, lead to the production of an agreed conciliar text calculated, at least by the imperial authorities, to maximize consensus.

Such a diplomatic dialogue can last, in differing formats, for a very long time. In our case, we can see the dispute over Christ's nature(s) gradually

¹⁷⁴ Zacharias of Mitylene's *Life* 25, 29 for a (sanitized) account of Severus' education. The documents in Wesche (1991) demonstrate Justinian's theological skills (and sophistry). So does his correspondence with Pope Hormisdas on 'Theopaschism' and related issues: *Coll. Avell.*, e.g. *Epp.* 188, 191, 196 for J.'s tough talking; *CJ* 1.1.5ff. For bishops' pleading ignorance of the issues: *Acts of Chalcedon*, session 1.62. One sympathizes with them—up to a point.

¹⁷⁵ Basiliscus' *Encyclical* (Evagrius *EH* 3.4) is exceptional in explicitly, and unilaterally rejecting Chalcedon.

¹⁷⁶ Lim (1995, 1999).

¹⁷⁷ The positions of the key players are usefully summarized by Gray (1979, chs. 4, 6, and (2005). For Rome, Sotinel (2005). Chesnut (1976) remains helpful on the semantics of Miaphysite theology.

¹⁷⁸ *Coll. Avell.* 196: as J. forcefully reminds Pope Hormisdas.

developing in the late fourth and early fifth centuries; then follow the two Councils of Ephesus in 431 and 449, leading to that of Chalcedon in 451. Continuing controversy eventually leads to Constantinople II in 553, which is followed by further, but ultimately unsuccessful, imperial initiatives in the seventh century to produce empire-wide ecclesiastical agreement. The 'Long' Northern Ireland Peace Process, from the Sunningdale Agreement in 1973, via the Belfast Agreement of 1998, to the St Andrews Agreement in 2006, provides a helpful analogy in terms both of procedures—exploratory and multilateral talks, against an often turbulent background and breakdowns—and of language. In this, key words and phrases were as closely scrutinized by suspicious and erudite aficionados and their parties as were the documents of any church council, or as UN Security Council Resolutions still are.¹⁷⁹

An example of theology as the first stage of (a here renewed) diplomatic process is provided by Justinian's *Letter to the Monks of Alexandria against the Monophysites*, probably written in the 540s.¹⁸⁰ This represents a powerful attempt to reconcile Miaphysites to the wider Catholic/Orthodox community by demonstrating, at length, the compatibility of the doctrines confessed at Chalcedon with the Christology of Cyril.¹⁸¹ Here, alas, I can no longer follow Price. His account of the theological exchanges under Justinian is invaluable. But his conclusion, on the basis of the emperor's later theological treatises (*Against the Monophysites*, *On the Orthodox Faith*), that his primary purpose then was no longer to curry favour with Miaphysites, but that he now wished primarily to demonstrate that Chalcedon was not 'Nestorian', does not convince. If it had been, he argues, Justinian would have placed the emphasis less on explaining how Chalcedon reflected the (allegedly) strongly Cyrillian theology he shared with the Miaphysites and more on 'claim[ing] that Chalcedonians and non-Chalcedonians shared the same faith, but expressed it in different terminology'. But even on the questionable assumption that there was an underlying theological harmony, the emperor could not have gone further to meet Miaphysites without betraying the actual Chalcedonian definition (*words matter!*), opening up new areas for theological controversy, and adding to the political difficulties of his ecumenical task, thereby losing both Rome and probably also Chalcedonian support at home.

We should, in fact, not underestimate Justinian's continuing readiness to take big risks in theology as he had in radical administrative reform: one recalls his treatment of Popes Silverius and Vigilius, his patient pressing ahead with Constantinople II notwithstanding Western opposition, and (possibly) even his later edict on aphthartodocetism. Why go to all this trouble just to

¹⁷⁹ cf. 'decommissioning (sc. of weapons etc.)' as a diplomatically acceptable alternative to 'disarmament' or 'surrender', both unacceptable to Sinn Féin in the NI Peace Process.

¹⁸⁰ Wesche (1991) suggests c.542/3.

¹⁸¹ So Price (2009c), vol. i.

prove he was no Nestorian? Tougher negotiations have succeeded even when it was not clear until the very end that they would: see, for instance, Tony Blair's account of the negotiation of the 1998 Belfast Agreement.¹⁸² 'Never give up' was a maxim Justinian shared with that prime minister.

In his *Against the Monophysites*, Justinian emerges as a subtle but tough political advocate primarily concerned with winning support—which he does with ingenuity and verve, since his arguments are not beyond challenge. He is primarily concerned to refute 'heretics' by name, whether Miaphysites like Apollinaris and Severus, or (extreme) dyophysites like Nestorius. But his positive argumentation—and its sophistry—is more interesting. In particular, he argues that Cyril's critical formula—'one nature of God the Word incarnate'—*is* compatible with Chalcedon, because it is only concerned with Christ's *divine* nature.¹⁸³ The emperor claims that Cyril 'added the term "incarnate" (*sesarkomene*) to show us, by this word, his *second*, human nature'—which is a tendentious, if not wholly impossible, reading of Cyril's formula. However, Justinian later quotes an 'overlooked' passage from the same letter of Cyril:¹⁸⁴ 'we say there are *two* natures, but *one* Christ, Son and Lord'. So the Chalcedonian affirmation must be acceptable to followers of the 'god-beloved' Cyril! But nothing is said about different conceptions of the *relationship* of the two natures, nor of the multiple meanings of the word 'nature' (*physis*).

A later example of similar sophistry can be found in Justinian's *Edict on the True Faith* (551), of which the fourteen canons of the Council of Constantinople II (553) represent an expanded version of the thirteen anathemas it contains.¹⁸⁵ Here the emperor will assert that 'whenever this father (*sc.* Cyril) said "one nature of the Word incarnate", he used the term "nature" (*physis*) in this formula for *hypostasis*'. We are to understand 'that when the *hypostasis* of the Word was incarnate, there was not one nature, but one composite Christ, the same God and man'.¹⁸⁶ So Justinian tries to have it two ways: Cyrillian linguistic usage may be different from, but it is not in conflict with, the underlying theology of Chalcedon; and everyone can agree that, at Chalcedon, Christ had only one subject (*hypostasis*)—a point of agreement on which later emperors continued to try to build. Severus, the

¹⁸² Blair (2010), ch. 6.

¹⁸³ Justinian, *Letter to the Alexandrians* 34, in Wesche (1991). For Cyril's ambiguities, compare, for example, the Cyril of the 'Twelve Chapters' (*Third Letter to Nestorius*, Ep. 17) (431) or Ep. *ad Succensum* 1 with the later 'Formulary of Reunion' (Ep. 39) (433) where Cyril's 'One nature' formula is absent in favour of an 'Antiochene'—and dyophysite sounding—'union of two natures' (*duo physeon henosis*) and other similar formulations. This scandalized some of his supporters, leading to his own rowing back (in e.g. Ep. 44).

¹⁸⁴ J., *Letter to the Alexandrians*. Cyril, *2nd. Letter to Succensus*, p. 36, in Wesche (1991). These themes are developed at greater length throughout J.'s letter.

¹⁸⁵ Price (2009a), 103.

¹⁸⁶ In his *Edict on the Three Chapters* (551) (Wesche (1991), 169).

most influential Miaphysite theologian of the late fifth/early sixth centuries, also appears to have understood *hypostasis* as a synonym of both 'person' (*prosopon*) and 'nature' (*physis*)—as did other prominent Miaphysites.¹⁸⁷ Whether they were synonyms in 451 is another matter: the *Patristic Greek Lexicon* alone shows that while both terms overlap, their meanings are not coextensive. In any case, in terms of the plain language of the text, Chalcedon had, in logic, cut whatever claims there may then have been at the council to synonymy between the two terms, by confessing Christ, without qualification, in *two* 'natures' (*physeis*) but *one* 'individual substance' (*hypostasis*). One cannot, therefore, substitute *physis* for *hypostasis salva veritate*. And for neo-Chalcedonians of the sixth century to represent the Chalcedonian affirmation, therefore, not as talking of 'two natures' in contradiction to 'one hypostasis' but as merely a way to put equal emphasis on duality and unity in Christ, appears at best unconvincing and as justifying Miaphysite criticisms that this represented an unreal, even sophistical, distinction.¹⁸⁸ (During the Northern Ireland Talks Process, a similar conflict over interpretation emerged: Unionists asserted, at one point, that the *literal* meaning of a text—here the communiqué following the signing of the Anglo-Irish Agreement in 1985—was what mattered; their opponents, by contrast, urged that the implicit *sense* of this text—here, the need to protect human rights by means of a bill of rights, and not just to discuss its desirability, as the language of the communiqué, reflecting an earlier compromise, explicitly stipulated—was what mattered.)

But some things, however, were reckoned to be more important than mere words: Severus was immoveably opposed to any 'Nestorian' formulation that could suggest that the two different types of activity—those appropriate to God, and those appropriate to man in the one Christ—can be attributed to two different operations and thus to two natures (whether expressed in terms of *physeis* or *hypostaseis*). The *locus classicus* for the view to which he objected was, however, the *Tome* of Pope Leo. This underlay the Chalcedonian 'two natures' formulation which, for reasons as much political as theological, since it was the doctrine of Rome, Justinian could not easily discard, and could at best draft round. This *Tome* proclaims that:

the Word perform[s] what belongs to the Word, while the body completes those things that are of the body. One of them shines in the miracles, but the other succumbs to miseries.

But, insists Severus, it is *God* himself who saved us; not some kind of partnership of a man with a God who could not sully himself by acting directly

¹⁸⁷ e.g. Timothy Aelurus, Philoxenus of Mabbug; Chesnut (1976) for details. See too Price (2009c), 72–3.

¹⁸⁸ Price (2009c), 72.

within the human sphere.¹⁸⁹ Hence the insistence on *one* nature and *one* hypostasis to prevent this, for him, lethal misunderstanding.

But whatever view one takes of the merits of the emperor's arguments, this correspondence—especially when supplemented by the emperor's efforts elsewhere—shows the importance Justinian continued to attach to winning the theological debate: Chalcedon, he claims, was true to Cyril; Cyril was a 'two natures' man, as at times—to Severus' embarrassment—in the *Formula of Union*, for instance, he appeared to be. (There can be no dispute that Cyril, in the interests of doing a deal with the Antiochenes, used a range of formulations of the one Christ capable of more than one interpretation.¹⁹⁰) But it is also clear, even from this simplified account of the debate, that Justinian's arguments do not do justice to all the issues. Yet we should not conclude that, just because the emperor continued to insist on 'two natures' despite declaring that Chalcedonians and non-Chalcedonians all really believed in the same things, he was giving up on reconciliation with Miaphysites. On the contrary, in so doing he was continuing to try and redefine, or represent, Chalcedonian orthodoxy in a Miaphysite-friendly manner—but without losing Rome. In a similar fashion, the condemnation of three 'Nestorian' theologians at Constantinople II, who had escaped condemnation at Chalcedon, was meant to reassure Miaphysites—albeit at the expense of further antagonizing the West.

This is even clearer in the emperor's attempt in the earlier letter to the Alexandrian monks to show that the dispute over one or two natures really is a non-issue based on a misunderstanding. This is because, he argues, to confess Christ 'in' two natures, in accordance with Chalcedon, follows from confessing him, with Miaphysites, as 'out of' two natures.¹⁹¹ Indeed the historian Evagrius, recalling in the later sixth century an argument that went back at least to the drafting of the Chalcedonian sixth affirmation, represents this as the heart of the dispute:

through the expression 'from (*ek*) two', the expression 'in (*en*) two' is therefore fittingly understood, and through 'in two', 'from two' and neither is absent from the other.

The argument, put crudely, is that if everyone accepts this semantic congruence, then everyone should be able to agree that Christ was 'from/out of'—and therefore, by implication, 'in'—*two* natures. So everyone can rest satisfied! The beauty of such formulations and arguments, in the short term, for those on both sides seeking to reconcile, or failing that, accommodate Chalcedonian

¹⁸⁹ Severus, *Contr. Gramm.* 3.33; *Ep. Ad Sergium* 1.83, 1.84; Chesnut (1976), pt. 1. Severus' *Philalethes* as the definitive statement of the 'true' Cyril of one 'nature', one *hypostasis*, one *prosonon*. For Severus, Cyril's talk of 'two natures' was merely theoretical. Also Gray (2005). Leo's *Tome* in M. Maas (2010), 137–8.

¹⁹⁰ Some listed in Daley (2008), 895–8; and Gray (2005).

¹⁹¹ Justinian, *Letter to the Alexandrians* 32.

and Miaphysite thinking, is how they fudge the central issue of whether Christ had one or two natures, and more particularly, at what point or ontological level he had one or two. Miaphysites were, after all, often relaxed about saying Christ had two natures *before* God the Word became man. It was the idea that Christ had two natures *after* the union that was the difficulty, as is clear from the Miaphysite minutes of the talks in Constantinople in 532.¹⁹² Recognizing the deeper issues involved, however, Evagrius then sensibly advised against attaching too much importance to 'mere words'. As Justinian himself had acknowledged in earlier correspondence with a pope, words can mislead.¹⁹³ We shall return to the longer-term limitations of ambiguity in diplomatic agreements below.

The post-Chalcedonian history of the dialogue shows there was substantial political mileage in such drafting: the 'out of' (*ek*) formula had been the initial preference of many bishops at Chalcedon. They had to be brought to accept, chiefly by (unrecorded) imperial pressure, that the 'in two natures' formula of Pope Leo eventually accepted¹⁹⁴ was compatible with Cyril, and necessary to exclude Eutychianism, one of the two key heresies targeted by the council.¹⁹⁴ For example, Philoxenus of Mabbug (485–518/19) came later to accept 'out of' (*ek*) as a concession to Chalcedonians—on the understanding that the two natures had no time to exist separately!¹⁹⁵ Later, in fact, an 'out of' two natures formulation offered a basis for reconciliation under Justin II at Callinicum in 568. This nearly succeeded. Even Severus, for whom the 'one/two natures' issue remained crucial, could 'proclaim Emmanuel to be one nature out of two'.¹⁹⁶ But, in so doing, he did not go beyond Cyril, who only accepted that Christ had two natures *after* the union of God and man as a 'mental construction',¹⁹⁷ that is, as 'two natures in theory/as a concept'—as we might say of one particular woman that she has, abstractly, *both* a human *and* a female nature,

¹⁹² The ambiguity of both formulations ('in' and 'from/out of') appears clearly from Price and Gaddis's discussion in (2005), ii, 187–90 of the redrafting of the draft sixth affirmation at Chalcedon. For the significance of *before* and *after*, Brock (1981), with Price (2009c), 10.

¹⁹³ Evagrius, *EH* 2.5; Justinian, *Coll. Avell., Ep.* 188. For a deliberate diplomatic fudge in another protracted and continuing 'peace process', but here designed to produce a text to which both Israel and the US could sign up, compare one I encountered when I was the Israel desk officer in the UK Foreign and Commonwealth Office in 1968/9. After intense negotiation, (the *English* language version of) UN Security Council Resolution 242 called on Israel to 'withdraw from territories' (not 'all territories', or even 'the territories' but a carefully unspecified ambiguity, and not obvious to a casual reader) occupied during the '6 Day War' in 1967. No final settlement has been reached in the Arab–Israel dispute either.

¹⁹⁴ Price and Gaddis (2005), ii, 188, see this acquiescence as resulting from the emperor Marcian's threat to refer the matter of a 'two nature definition' to a new council in Rome, where a less sympathetic Pope Leo would preside. Unsurprisingly, after a drafting subcommittee had been established during the 5th session, under the presidency of the imperial official Anatolius, agreement was speedily reached on what has become known as the Chalcedonian definition.

¹⁹⁵ De Halleux (1963), 380 n. 7.

¹⁹⁶ *SL* 5.1, 281.

¹⁹⁷ Allen and Hayward's formulation (2004), 34.

without implying she comprised two separate entities.¹⁹⁸ That this seems a sensible compromise (or indeed the truth) is less important, however, as Evagrius recognized, than that people were prepared to die (or kill) for such minutiae—in a way analogous to the suicidal fanaticism of the circus factions we noted earlier.¹⁹⁹ Loyalty to a slogan, especially when a symbol of group identity, can trump rationality.

The second stage of theological-diplomatic controversy—the key players meet—we can treat as the *travaux préparatoires* for the larger ‘diplomatic’ conferences, including ecumenical councils. In this category fall Ephesus I, Ephesus II, Chalcedon in 451, Constantinople II in 553. But lesser gatherings could also be important in their own right: the talks between imperial officials and supportive bishops with the Miaphysites in 532, for example, or before Callinicum in 568, and again after. They too were intended to pave the way for more substantive negotiations and subsequent deals between the leaderships. This happened, for instance, in the ‘Theopaschite’ position adopted, after further exchanges with Rome, in the *Code* in 533,²⁰⁰ which was duly followed by the arrival of the Miaphysite leader Severus in Constantinople in 534. In the 532 colloquy, where there is—unusually—evidence from both sides, we find features associated with modern diplomatic *pourparlers*: the absence, either in whole or in part, of the leadership of both sides—Severus did not appear; his ‘representatives’ seemed to have lacked authority, in his absence, to commit themselves to compromises; the Miaphysites in turn complained of limited access to the emperor, whose officials kept an eye on the ecclesiastical politicians; there were no agreed notes (or texts), as in the Northern Ireland Peace Process—with possibly the same intention of avoiding further wrangling over their contents.²⁰¹ The outcome was, however, favourable to eventual reconciliation; the Miaphysites were not to be required, for example, to accept the Chalcedonian definition of faith, although they were not to anathematize those who spoke of two natures (other than ‘Nestorians’).²⁰² In fact, the main stumbling block, yet again, was *political and group psychological*—the threat to Miaphysite group identity and tradition—rather than theological:

¹⁹⁸ *Duo physeis en theoriai/kat’epinoian*. Lebon (1951), 525–7.

¹⁹⁹ Evagrius, *EH* 2.5.

²⁰⁰ *CJ* 1.6–8. See subsection ‘Theology as diplomatic negotiation’ for the significance of ‘Theopaschism’ and the (deliberate) ambiguities between different legislation included in the *Code*.

²⁰¹ Sources: Harvard syr. 22 in Brock (1981); Innocentius in ACO 4.2, pp. 169–84. Menze (2008), ch. 2 for a detailed analysis. His ‘excuse’ for non-appearance: Severus’ letter in Zacharias, *EH* 9.16.

²⁰² The Miaphysite minutes, including the terms offered by Justinian, are in Brock (1981), 98. Summary in Price (2009c), i. 11.

they could not agree to remove from the diptychs read out in the liturgy the names of the bishops who had opposed Chalcedon.

It was not to be expected that at this point in the dialogue with Justinian total agreement would be reached. But as Price and Gaddis, for instance, noted, taken as a whole, the talks and the Miaphysite response, including the defection of a Miaphysite bishop, 'will have left Justinian with a sense that further negotiations with the Miaphysites would . . . not make them Chalcedonians, but might ward off open schism . . . so he continued his policy of seeking a compromise'. They saw this primarily in terms of using increasingly 'Theopaschite' terminology (that is, that 'God' or 'a member of the Trinity' suffered on the cross), which in 534 even the pope, John II, was persuaded to adopt, albeit when he was in a weak position domestically—and which Justinian could publish to show that Rome was now an ally in the work of reconciliation.²⁰³ (That Justinian had so speedily changed his views in 518, commending to the pope those Scythian monks whose Theopaschism he had advised him to condemn only a few days previously, also clearly demonstrates that for Justinian as emperor, more was at stake than narrow doctrinal formulations: the 'Peace of the Church' was his aim, a concept as much political as religious.²⁰⁴)

But Justinian was ready to go further. Unfortunately, this particularly hopeful phase of the negotiations—in which the emperor could offer the Miaphysites so much of what they wanted, when Severus felt able to come again to Constantinople, and the patriarch, Anthimus, was a Miaphysite sympathizer—was to miscarry. It was aborted by Pope Agapetus, egged on by Eastern Chalcedonians, during his embassy to Constantinople in 536. He seems to have shared the insensitivity of such predecessors as Popes Hormisdas and Leo not only to the Miaphysite case, but also to Justinian's wider problems of maintaining (ecclesiastical) unity in the empire—precisely when the emperor's greatest immediate political need was to keep the Western Church onside, in the interests of his reconquest of Italy, then under way.²⁰⁵ Thereafter the ecclesiastical 'Talks Process' deteriorated further. Severus and his theological allies were condemned for the first time as heretics in *Novel* 42 (537); Anthimus was deposed. But even this did not end the reconciliation process; we have, for instance, only just looked at a letter and edict of Justinian's from the next decade. There was also the (counterproductive) condemnation of the so-called 'Three Chapters', and other events leading up to the disappointing Second Council of Constantinople, and the process continued in the next reign. But it was perhaps never bright, glad morning

²⁰³ *CJ* 1.1.8 for correspondence between the emperor and the pope.

²⁰⁴ Gray (2005), esp. 227–9, is illuminating on Justinian's pragmatic search for a deal.

²⁰⁵ *Mal.* 479. For Hormisdas' earlier insensitivity, and Justinian's ferocious response, *Coll. Avell.* 190, 196. For Leo's immobility from the position in his *Tome*, Price and Gaddis (2005).

again—or, as an excitable Egyptian put it, following the deposition of the Miaphysite patriarch of Alexandria in 537 and the establishment of a double hierarchy in Egypt, ‘the very pit of the abyss was opened once more’.²⁰⁶

What went wrong?

Why had it proved so hard to maintain the ‘Peace of the Church’ following Chalcedon? To generalize, we see throughout the theological negotiations of late antiquity, in whatever format, attempts to negotiate, if sometimes after a little bullying, doctrinal statements designed to reconcile the expectations of the interested groups—and an imperial interest that inevitably went wider than ecclesiastical issues, even than ‘the Peace of the Church’, or the ambitions of prelates.²⁰⁷ This is clear in both the substance and procedure of Chalcedon: the latter included the establishment—standard diplomatic practice—of a subcommittee to determine, with a little imperial ‘encouragement’, whether the proposed definition of Christ’s nature(s), reflecting the *Tome* of Pope Leo, was compatible with the theology of Cyril.²⁰⁸ As for the Chalcedonian definition which emerged in 451, it is a masterpiece of linguistic and diplomatic craftsmanship. It confesses, on the one hand, that Christ was both God and man, that is ‘in two natures’; it does so in language that not only reflects the *Tome*—thereby keeping Rome onside, but rejects Eutyches’ denial of Christ’s fully *human* nature. But, on the other, it balances this with an affirmation that he was also in ‘one subject (*hypostasis*) and one person (*prosopon*)’, thereby rejecting what was widely perceived to be the view of Nestorius and his allies. In short, the final text, after that hurried revision by a subcommittee, was meant to be read *in its totality* and designed to satisfy a range of contending theological positions (excepting, of course, Eutyches’ and Nestorius’). In the same way, the Belfast Agreement 1998 was similarly balanced, with every word counting and after a great deal of last-minute redrafting, in order to secure the assent of as many parties as possible.²⁰⁹

So, why did this virtuoso drafting from Chalcedon onwards, with full imperial support, not ‘take’? Why, as soon as the parties to the councils had gone home, was dissent verging on rebellion almost instantaneous in parts of the East, and a patriarch murdered? Not because the enterprise was hopeless

²⁰⁶ Cited in van Rompay (2005), 247.

²⁰⁷ De Ste Croix (2006) for the imperial political manipulation. Ephesus II would be an exception. The bullying then was ecclesiastical, the conciliar objective only too blatantly to secure the triumph of a particular viewpoint.

²⁰⁸ ACO 2.1.2, pp. 126–30 for the definition, also Evagrius, *EH* 2.47–50; 2.47–50 and 2.91 for the subcommittee; M. Maas (2010), 131–2, for the *Tome*. Also now Price and Gaddis (2005).

²⁰⁹ Blair (2010), 182–9; for the prime minister’s amazement at the amount of such last-minute redrafting. See also n. 182.

from the start:²¹⁰ the dialogue nearly succeeded too often. A maximalist explanation would assign, for instance, a role to the failure or inability of domestic groups to understand or care about the often difficult 'international' diplomatic positions of their bishops and patriarchs: it was monks, after all, who destroyed the agreement apparently reached at Callinicum in 568. Such an explanation would also note how the 'Miaphysite tendency' within the whole Church gradually developed schismatic tendencies: between 533 and 566, the Miaphysite missionary Jacob Baradaeus, who had himself been created a bishop with imperial approval, ordained some twenty-seven bishops. From these beginnings, new Miaphysite churches were to grow; even if, at least initially, there was no anti-imperial sentiment, a plurality of institutional negotiators—each with their own group identities and loyalties—cannot have increased the likelihood of doing a deal with the imperial authorities as each faction looked over its shoulders, the way in Northern Ireland the moderate Social Democratic and Labour Party (SDLP) and Official Unionist Party (OUP) feared—with ~~just~~ justification—being outflanked by the more extreme Sinn Féin and the DUP.²¹¹

But there are already three sufficient reasons for failure *even in linguistic terms*. The first, already noted, was the 'open texture' of theological language, which Justinian recognized: 'words seem to make for dissent; for one understanding [*sic*] is accepted amongst all Catholics'. Evagrius also knew of the treacherous nature of theological language.²¹²

Second, once the text is read at leisure away from a council and back in Miaphysite circles, differences of interpretation arise. These the English legal doctrine of statutory interpretation illuminates. Thus, the specific 'mischiefs' against which the Chalcedonian definition was ostensibly aimed were the 'heresies' of Nestorius and Eutyches (and breaking the power of the over-mighty patriarch of Alexandria, Dioscorus, who had triumphed, to the fury of Pope Leo, at Ephesus II²¹³). Read in terms of the English 'mischief rule', the Chalcedonian definition works, because its formula effectively targets these 'heresies'.²¹⁴ However, read *outside the council and its psychological and political, including imperial, pressures for agreement*, and in terms of the English 'literal rule' (that is, in terms of the plain, natural meaning of the

²¹⁰ As Stein (1949), ii. 376, argued—though he contradicted himself (p. 159) when commenting of Severus' theology that, 'with a little good will, (*sc.* it) is not irreconcilable with the Chalcedonian formulations'.

²¹¹ van Rompay (2005): overview of the complexities of Miaphysite ecclesiastical evolution.

²¹² *Letter to Hormisdas* (Coll. Avell., Ep. 188); Evagrius, n. 193 here.

²¹³ Much of the council's energies were devoted to this *political* task: Evagrius, *EH* 2.91 appears to give it a higher priority than the doctrinal definition. See Whitby's n. 228 *ad loc.*

²¹⁴ The so-called 'mischief rule' provides for the interpretation of a statute in terms of the legislators' intention to remedy the 'mischief and defect', for which earlier law (in our case, definitions of faith) did not provide: *Heydon's Case*: (1584) 3 Co. Rep. 7a.

text),²¹⁵ the reference 'to two natures' does not generate 'manifest absurdity or repugnance'. It is, therefore, open to criticism in its own right, in terms of its literal meaning—about which many participating bishops had been at best lukewarm during the council itself, and to which many of their 'constituents' at home remained passionately hostile. The fears of Egyptian bishops as to what they might expect if they returned home as 'Chalcedonians' were borne out: Proterius, Dioscorus' Chalcedonian successor as patriarch of Alexandria, was lynched in 457 by a mob whose support enabled Timothy Ailouros (the 'Cat' or 'Weasel'), and perhaps the father of intellectually sophisticated Miaphysite opposition to Chalcedon, to become bishop in his place. Unsurprisingly, later neo-Chalcedonian attempts to show that the reference to 'two natures' did not mean what they *literally* mean, did not succeed.

Third, what is *not* said can matter as much as, if not more than, what is. The 1985 Anglo-Irish Agreement was intended as a 'balanced framework', setting out new ground rules for cooperation between the British and Irish governments in resolving the Northern Ireland problem and designed to appeal to both communities in Northern Ireland. It stipulated that the 'current status' of the province should not be changed without the democratic consent of its people.²¹⁶ This was to reassure Unionists that there would be no British withdrawal from Northern Ireland behind their backs. However, owing to the political and constitutional objections of the Irish Government, it provided no statement of *what* that 'current status' was, nor whether the Irish government recognized that Northern Ireland was *de jure* part of the United Kingdom. Accordingly, taken with other perceived failings of the Agreement and their pardonable suspicions of the intentions of the Irish (and British) governments, the majority Unionist community were not reassured, and rejected it.²¹⁷ Similarly, the major imperial initiative to reconcile Miaphysites without losing Chalcedonians after Chalcedon, the emperor Zeno's *Henoticon* (482), embodied the highest common denominator of shared understandings, and to dismiss it as a 'confused and confusing document' is to misunderstand the nature of political drafting; it maintained, after all, the 'Peace of the Church' in the East for some forty years.²¹⁸ But, despite providing a formula many Eastern bishops could accept for a long time, it ultimately failed—through carefully *avoiding*, this time, references to the key issues of controversy! No mention, therefore, of 'one' or 'two' natures and, from an anti-Chalcedonian viewpoint, no repudiation, merely disparagement of the council. Moreover, its studied evasions—even more their outrage at Zeno's daring to issue such a

²¹⁵ *R. v. Inhabitants of Ramsgate* (1827) 6 B. and C712.

²¹⁶ Anglo-Irish Agreement 1(a). Treaty Series No. 62, 1985. Cf. UN Security Council Resolution 242 above.

²¹⁷ Nicolson (1963), 113, is eloquent on the damage that can be done in treaties by what is left unsaid. He insists that diplomacy is fundamentally a *written* art.

²¹⁸ Evagrius, *EH* 3.14 for the full text. Price (2009a), 3ff.

doctrinal statement on his own initiative—led Rome to excommunicate his patriarch, Acacius.

Nor could Justinian's council, Constantinople II, settle matters. The first half of the sixth century represented a movement on the part of the emperor and his allies towards a more 'Cyrillian' interpretation of Chalcedon—and therefore one more acceptable to the sundered Miaphysites. This we have already seen, for instance, in his *Letter to the Alexandrians*; we could add his later *Edict on the True Faith* (551).²¹⁹ It is also reflected in the formulations of the council. However, the egregious sophistry we identified in the former letter persisted: namely that Cyril's 'one incarnate nature' formula meant not 'one nature of the Godhead and flesh of Christ' (Constantinople II, canon 8) but one divine nature *plus* the flesh (or manhood)—which unavoidably leaves behind, however glossed by clever theologians, a dualistic flavour. Equally unsatisfactory were the persistent attempts, as in *On the True Faith* and canons 3 and 7, to present the 'from two natures' formula not as replacing, but as glossing, the original Chalcedonian 'in two natures formula'—although, as Price explains, Chalcedonians continued to insist that the 'from two natures' formula did not imply one nature after the union. Other 'Miaphysite-friendly' expressions or interpretations, including in regard to the meaning of 'nature' and 'hypostasis', were also deployed.

One may respect the argument that the effect of these tendencies in neo-Chalcedonian thought represented significant progress in terms of presenting an 'unambiguously Cyrillian Christology . . . as a valid clarification of Chalcedon, involving a certain shift of emphasis but no change of meaning'.²²⁰ But it is unsurprising, on the one hand, that the Western Church was deeply unimpressed—even without taking into account the condemnation of the allegedly heretical writings in the 'Three Chapters' which had been 'acquitted' at Chalcedon, and the bullying of Pope Vigilius. Relations with Rome never fully recovered, notwithstanding the harmonious relationship between 'Old Rome' and her more glorious 'daughter', tendentiously praised by Paul the Silentiary in 563. On the other hand, while some of the linguistic movement in a Miaphysite direction might be welcome to a theologian in, say, Alexandria, he would probably require little persuading that the Chalcedonian leopard had done no more than dye its spots.

What this period of doctrinal reformulation and 'dialogue' shows, apart from the limitations of clever drafting, is the emperor's continuing commitment to keep *trying* for reconciliation, however long the odds—a commitment reflected both in Procopius and the *Kontakion* sung at the opening of

²¹⁹ Text and commentary in Price (2009), 122–59, whose account of 6th-cent. theological developments culminating in the council (Price (2009), 59–75) probably comes as close to intelligibility as the subject permits. I follow his interpretations of the canons.

²²⁰ Price (2009), 74.

ceremonies for the rededication of Hagia Sophia in 563, although both understandably pass over the Council of Constantinople and its legacy in terms of poisoned relations with the West.²²¹ If we believe these developments do reflect a sense in imperial circles that reconciliation *was* still possible, and that some at least of the approaches employed by Justinian had merit, we shall not be surprised that the outreach to Miaphysites resumed so swiftly in the reign of his successor. Indeed, imperial officials and Miaphysite leaders nearly reached agreement at Callinicum in 568, only for negotiations to break up in the face of monkish truculence (which also illustrates the salience of divisions in the wider Miaphysite community, and the need to keep one's supporters onside). But the dialogue nevertheless continued in Constantinople; a deal was almost done, on the understanding that the resulting doctrinal edict would be accompanied by a public anathema of Chalcedon.

Just how close the negotiators then came we can see from Justin II's edict of 571. This stresses the unity of Christ, while simply noting the 'difference of the natures'. It finally confesses 'one and the same Christ, one Son, one person and one hypostasis, alike God and man'—and explicitly rejects hair splitting about 'syllables': that is, the dispute over 'in' (*en*) and 'out of' (*ek*), which Evagrius also denounced. (The edict employs the Miaphysite-friendly formula 'out of two natures'.) But, once again, it omitted to denounce Chalcedon—as opposed to not mentioning it—while the last paragraph implies that Chalcedon would stand. And so the negotiation failed.²²² Yet all the substantive issues seem to have been resolved in an edict of, once again, masterly compromise and drafting—one more judiciously and comprehensibly worded than in the formulae deployed at Constantinople II. The non-rational element of party identity, a continuing inability for some to stomach the very word 'Chalcedon', suspicions of imperial intentions, the imperial need to keep Rome onside, and, more perhaps on the Miaphysite side, fear of activists back home—all these ultimately again trumped political common sense.

Theology as a badge of group identity

A theological 'realist' might object that all this misses the point: true, the negotiators did not pull it off; yes, their language and argumentation are both abstruse, and can be ambiguous and imprecise. But they were, after all, grappling with issues of, literally, cosmic importance. It is not surprising, therefore, that feelings ran high, or even that people died on the streets of Antioch or Alexandria in conflicts over matters, to them, of such

²²¹ *Bldgs.* 1.1; *Kontakion*, str. 18 in Palmer (1988). Sotinel (2005), Bell (2009) for more on the political context.

²²² Text of edict, Evagrius, *EH* 5.4, with Michael Whitby's n. *ad loc.*

transcendental significance. Possibly. But there need be *no* underlying 'signified' to give theological or other symbolic signifiers, such as blue or green colours, profound social, emotional, or political resonance for the groups that embrace and identify with them. Northern Ireland again: 'merely' symbolic issues such as flying particular flags on particular buildings or marching on particular days have no intrinsic importance—except as indicators of whether the *group* that attaches importance to a particular symbol or linguistic formula (or religious practice) as part of its wider ideology or identity is 'up' or 'down'. Writing in the same viciously, religiously splintered eighteenth-century Ireland that David Hume was to see as the best contemporary analogy for the social conflict, or *stasis*, of the ancient world, the Irish cleric Jonathan Swift employed satire to ridicule the potentially murderous triviality of theological distinctions in his own world: he bitterly mocked the Lilliputians, who anathematized those in Blefuscu who cracked their eggs at the 'wrong' end; by implication, he also recognized how theological nonsense can bind communities:

It is computed that eleven thousand persons have at several times suffered death rather than submit to break their eggs at the smaller end.²²³

Social psychologists have repeatedly shown how *distinctions of minimal intrinsic significance* can help determine group behaviour, *once identities become bound up with a particular symbolism and social practice*—including language, ritual, even thought systems and their institutional manifestations. We are not far, therefore, from concluding that 'Christological dispute had (sc. by the sixth century) become a matter of rival group loyalties'.²²⁴

So, in determining the 'real' significance of those contested Christological distinctions, we must accept the importance of the *terminology*, in its own right, as a badge of allegiance and identity. This takes us beyond the first element in our model—theological discourse as a medium of high politics or diplomacy—to the wider society and culture(s) of the empire. It also takes us to the one element of the ecclesiastical disputes of the sixth, or any other, century that sets them apart from other group conflicts and renders the task of achieving lasting, widespread theological consensus, one is tempted to say, impossible: monotheism. The classic formulation of the difficulty is that of David Hume. For him, polytheism,

By limiting the powers and functions of its deities . . . naturally admits the gods of other sects and nations a share of divinity, and renders all the various deities, as well as rites, ceremonies, or traditions compatible with each other.

²²³ J. Swift, *Gulliver's Travels; Part 2, A Voyage to Lilliput and Blefuscu* (1726).

²²⁴ Evagrius, *EH*, ed. Michael Whitby, introd., p. xlv (2000).

Theism, however, by which Hume denoted Judaism and Islam as well as Christianity, is the opposite. In contrast to 'the tolerating spirit of idolaters', within these newer religions:

As each sect is positive that its own faith and worship are entirely acceptable to the deity, and as no one can conceive, that the same being should be pleased with different and opposite rites and principles; the several sects fall naturally into animosity, and mutually discharge on each other that sacred zeal and rancour, the most furious and implacable of all human passions.²²⁵

The difficulties become greater, the more one takes seriously, first, Pope Benedict's opinion that it is essential to express the Christian faith in 'absolute, determinate propositions', and, second, the fact that East Rome was a hierarchical society, nowhere more so than in the churches, in which the power of the elite to persuade, seduce, and coerce the lower classes into following their own exclusive and potentially conflicting religious allegiances is not to be underestimated. But even before we start to take account of the rivalry of the great sees or the effects of 'superstition' and 'enthusiasm', which Hume saw elsewhere in the history of Christianity,²²⁶ group theory continues to illuminate. Theorists break down group identity into its *cognitive* and *emotional* elements, as well as considering the degree of group *commitment*.²²⁷ Isolating the *cognitive* element in our case is hard, given the volume of texts, their hyper-subtlety, their controversial character, and multible and changing meanings. The arguments are the more difficult to pin down since they were so often deployed in controversy. Thus 'Miaphysite' writers aimed at different targets at different times, even though their opponents were all believed, in some way, to downgrade or separate out the human element in Christ: *Arians* for Apollinaris (c.310–90); *Nestorius* for Cyril and his theological children, including Eutyches (c.378–454); and *Chalcedonian* 'dyophysitism' after 451, by Severus and his successors. Individual writers also modified their views, or were internally inconsistent over their careers and often voluminous writings. These, of course, included Cyril, whom a recent (sympathetic) commentator rightly, if too charitably, accuses of 'ambiguity and sometimes infelicitous expressions', which fuelled later misunderstandings and conflict.²²⁸

Finally, there is the *polemical* character of much theological writing, where politics and group psychology combine with the misrepresentation of opponents to obscure issues further. As Severus noted:

²²⁵ Hume (1963b), ch. 9.

²²⁶ Hume (1963a), pt. 1, essay 10.

²²⁷ e.g. Tajfel (1981). This is not to deny that these all interact with each other, in ways that will vary between group and individual.

²²⁸ Weinandy and Keating (2003), 53, n. 128.

It is a habit of enemies of the truth to hurl accusations at us of things which are the opposite of their evil opinions and to charge us with holding some mixture or blending or confusion or fantasy in the divine and ineffable humanisation.²²⁹

Thus Chalcedonians accused Miaphysites of following Apollinaris and Eutyches, whom mainstream Miaphysites repudiated; in his polemical moments, Severus denounced his opponents in terms of 'Nestorianism', specifically repudiated at Chalcedon.²³⁰ Even the milder Evagrius, concerned to reconcile neo-Chalcedonian and Miaphysite theology, can refer to the 'vomit' of Nestorius who, in turn, had earlier himself implied that 'his brother', Cyril, suffered from a 'mind diseased with the insane heresy' of Arius or Apollinaris, or even worse, 'had erred in the fashion of the Greeks'—in other words, he was a Pagan!²³¹ What we see throughout this ill-tempered debate is the *stereotyping* of 'out-groups', thus performing functions of both ideological justification and 'out-group' denigration. This thereby made verbal, and ultimately social and political, accommodations even harder than the theological problems already made it.

We have summarized central issues of the debate so far primarily in *cognitive* terms. However, fuller exegesis of the intellectual strengths of both positions (and their variants) explains neither their *emotional* significance to their partisans nor their *social* significance, in terms of the degree of commitment they could arouse—and thus two further, major elements in the nexus binding these rarefied disputes to the wider society. Here we are on treacherous ground. Frend and Brown, for example, read much into the doctrinal difference: the former saw Chalcedon as putting an emphasis on the 'High Priesthood' of Christ, and setting him up in his humanity as a model of perfection to which we can aspire. The latter sees Miaphysites as bringing God down to earth (and full humanity) to share our sufferings, while Chalcedonians were, in varying degrees, reluctant to attribute these to God the Word—thereby generating further barely comprehensible arguments about who exactly suffered on the cross, Christ the Word, or Christ the man—the so-called 'Theopaschite' debate.²³²

²²⁹ Severus, *Letters*, PO 12. 200–1.

²³⁰ Severus denounces 'Chalcedonians' as such comparatively rarely (e.g. *SL* 5.3), preferring to denounce (frequently) 'the evil species' of Nestorians and 'dyophysites' (e.g. *SL* 1.23, 60). *JN* 42 for (this time) 'official' imperial abuse of Severus and his allies.

²³¹ Evagrius, *EH*, esp. 1.2–4. For his comments on Arius, see n. 40 here. Nestorius, *Second Letter to Cyril*, in Norris (1980), 137–9. For the excoriation of all things 'Hellenic' (= Pagan), see Ch. 5.

²³² Frend (1972b), ch. 3, nevertheless emphasizes how Christ's personal suffering—as *God*—gave reassurance to exposed and harassed Eastern Chalcedonian monks; P. R. L. Brown (2002), 109. Chadwick (1987), 41–56, also provides a succinct, complementary account of the emotional implications of the differing approaches. Meyendorff (1975), ch. 4 teases out the *theological* problem of Theopaschism; also Price (2009), i. 9–12.

Some flavour of what Chalcedonians might miss—emotionally—in ‘Miaphysitism’ comes across, mercifully in non-technical language, in Gregory of Nazianzus’ autobiographical poem, where he also criticizes Apollinaris.²³³ This is not an ideal example, since Miaphysites like Severus also repudiated Apollinaris. Nevertheless, he comes across as a fourth-century ‘proto-miaphysite’ in his criticisms of Arius, and Cyril’s later ‘one nature’ formulation apparently derives from Apollinarian sources, even if Cyril was unaware of this.²³⁴ He was also deemed worthy of repeated condemnation in the sixth century.²³⁵ What pains Gregory most is how, in seeking to protect the divinity of Christ, Apollinaris diminishes his manhood—even denying him a human mind—thereby reducing his potential to redeem all of Gregory’s fallen humanity.²³⁶

If Chalcedonians saw their opponents as starting with the Incarnate Word, and leaving his manhood as the problem to be explained, Miaphysites, by contrast, saw Chalcedon, emotionally at least, as tending to reduce Christ to the level of an inspired man by creating, despite the precision of the sixth Chalcedonian affirmation, an abyss between his divine nature and suffering humanity, which some ‘dyophysite’ rhetoric even encouraged.²³⁷ Brown stresses how this removal of God might pain the suffering Christian, and how the Miaphysite bringing down God to earth to suffer could enable a lady in Edessa to represent a lice-ridden beggar in the streets as a suffering Christ.²³⁸ The addition of ‘who was crucified for us’, to the *Trisagion* sung at the beginning of all Eastern and some Western Eucharists—‘Holy God, holy mighty, holy immortal! Have mercy on us!’—could also be represented as embodying a theology that emphasizes what *God* had endured on our behalf, in contrast to a (strict) Chalcedonian view that this blasphemously attributed suffering to him.²³⁹ Justinian’s ultimately successful struggle for the ‘Theopaschite’ position (namely, that *God* suffered—even if the carefully drafted

²³³ *On His Own Life*, ll. 604–54. The inverted commas here and later are by way of acknowledging that ‘Miaphysite identity’ was an evolving category throughout late antiquity.

²³⁴ There is general agreement that Cyril cited ostensibly orthodox writers which were forgeries: Frend (1972b), 120–1, with refs.

²³⁵ e.g. Justinian’s *Letter to the Alexandrians*, *CJ* 1.1.6 and 1.5, 8. *JN* 42.1.

²³⁶ ‘Whoever puts hope in a human being without mind is mindless himself and unworthy of being saved in his entirety. For what is not assumed is not healed, but what is united to God is also saved’ (Gregory, *Ep.* 101).

²³⁷ Meyendorff (1975), ch. 2.

²³⁸ John of Ephesus, *LOES* 12. 179, in P. R. L. Brown (2003a), 188.

²³⁹ P. R. L. Brown (2002), ch. 3. Menze (2008), 174. In the form (or similar) in which this liturgical refrain (which means ‘Thrice Holy’) was revised—the addition is in italics—by the late 5th-cent. Miaphysite patriarch of Antioch, Peter the Fuller: ‘Holy God, Holy Mighty, Holy Immortal, *crucified for us*, have mercy upon us.’ This version focuses the refrain on *one* member of the Trinity, Christ, not all three persons, and spells out that *God* suffered.

doctrine was not spelt out so brutally)²⁴⁰ to be accepted as compatible with Chalcedon shows the difficulty of drafting round such problems. This reflected not only their emotional charge and the firm positions taken by the parties involved, but also his conviction that this was necessary if Miaphysites were to be reconciled to Chalcedon.

From the elites to the streets 1: Beliefs

Such doctrinal differences may have grieved those who understood them. But a parrot, who, while simulating crucifixion, recited the expanded (Miaphysite) version of the *Trisagion* outside the main church in Antioch, evidently impressed more than theologians. His avian wisdom became the theme of a major poem in Syriac.²⁴¹ We shall return to the importance of human parroting of theological slogans. But how far down into lay society did such understandings permeate? Views of intellectuals are by no means necessarily those of hoi polloi, and there is much contemporary evidence to believe that what binds people to their communion is not theology or doctrine, but the emotional and social satisfactions church membership can bring, not least to those reared in its embrace. Even concern for the poor was not a Miaphysite monopoly. This is clear from the numerous examples cited by Brown or Leontius' chief claim for the Chalcedonian patriarch of Alexandria, John the Almsgiver.²⁴² It is not even certain how far some bishops understood the issues, for 'not understanding' was the defence of many when charged at Chalcedon with their 'errors' at Ephesus II; Justinian's minimal educational requirement for a bishop was, after all, merely literacy.²⁴³

So just how far did the 'average churchgoer' understand the issues, or those monks (one faction supported by the citizens) slaughtering each other in Antioch in 512 (from which Severus, who became patriarch immediately afterwards, was the beneficiary), or those Miaphysites fighting each other in Alexandria in the 530s, which required the imperial army to restore order?²⁴⁴ We should not, however, too hastily attribute all the brutality simply to popular passions and misunderstandings. Many of the earlier sectarian murders resulted from episcopal, political manipulation—those of the patriarchs Cyril, Dioscorus, and Severus, with his borrowed 'bandit chaser', come

²⁴⁰ *Chron. Paschale* 129–30, Justinian's 533 'Theopaschite' decree. For the *theological* problem of Theopaschism, Meyendorff (1975), ch. 4; Justinian to Hormisdas, *Coll. Avell.* 216 and 224; *CJ* 1.1.6–8. Frend (1972b), ch. 6; Menze (2008), ch. 1.

²⁴¹ Isaac of Antioch, *The Memra on the Parrot*; van Esbroek (1996), P. R. L. Brown (2002), 109.

²⁴² *Life of John the Almsgiver*, *passim*; P. R. L. Brown (2002).

²⁴³ *JN* 6.1.2.

²⁴⁴ Evagrius, *EH* 3.32; Mal. 490; John of Nikiu, 92.

to mind—in the great tradition of using monks and other religious as enforcers, comparable to the way secular magnates employed their *bucellarii*. Other killings, the localized acts of violence we read about in saints' lives, say, were doubtless either more spontaneous, or reflected resentments and rivalries in small communities or neighbourhoods. Understanding theological differences for many was almost certainly less important than the *labels*—'heretic' then, 'Papist' or 'Prod' now—people pinned to their enemies, which legitimized their killing. And no one suggests that the partisanship of chariot factions (or football fans) is notably cerebral! There was, however, no shortage of preaching: all those wedges of sermons in the *Patrologia Graeca* are only a tiny fraction of the words liberally sprayed by clergy on their flocks over the years, and which contributed to their ability to mobilize the masses. Then there are all those other sermons in Syriac, Coptic, Armenian . . . Something must have got through, and the evidence is that it did, though with how much sophistication is unclear.

Notwithstanding targeted terror and persuasion on the part of the powerful, it is similarly hard to judge how far *commitment* to one position or another extended beyond the theological power elite and their monkish partisans, or what other factors (including economic and political interests) may have helped to build group allegiance beyond the basic, but centrally important, fact of shared communion. It is easier to say what factors were *not* operating, including nationalism in any modern sense.²⁴⁵ But one cannot exclude a priori regional or ethnic particularism, especially in rural areas of the East and Egypt where the influence of Greek culture was least, and especially after the emergence of a separatist Miaphysite church in the mid-sixth century, with liturgies in Syriac and Coptic.²⁴⁶ Nor, given the exploitative relations between town and country and the strength of anti-Chalcedonianism in the Syrian countryside, should we discount entirely a class dimension to religious conflicts in the region.²⁴⁷ This argument is strengthened by recalling both the vested interests those new churches embodied, how much language itself contributes to the formation of group identities, and how far it can be exploited for controversial purposes.²⁴⁸ By the later sixth century, when many may have despaired of victory or even compromise, perhaps a greater premium was set by the (minority) Miaphysites in parts of the East simply on group survival in their new church? That, not 'nationalism' or religious enthusiasm, may account for apparent 'separatism' in the evidence.²⁴⁹

²⁴⁵ Like de Ste Croix (1981), 445–6, I accept Jones's (1959) arguments on the Miaphysites, endorsed by Frend (1972a).

²⁴⁶ A Syrian monk was murdered, though perhaps under the misapprehension he was Severus, in the anti-Miaphysite riot in Constantinople in 512: Evagrius, *EH* 3.44.

²⁴⁷ Michael the Syrian, 10.21.5.

²⁴⁸ As by Theodoret of Cyrrhus: Urbaynczyk (2000).

²⁴⁹ So too Lim (1999).

Most important is the later sixth-century 'construction' of a group identity of quasi-martyrdom and the affirmation by Miaphysites of the continuity of a (dissident) apostolic tradition.²⁵⁰ This had been defended through a refusal to accept the rejection of earlier anti-Chalcedonian 'heroes', which was demanded by the *libellus* of Pope Hormisdas. The requirement to subscribe to this had split the churches under Justin I.²⁵¹ It was a stumbling block to agreement in the Orthodox–Miaphysite dialogue of 532. In his writings, John of Ephesus 'constructs' a persecuted Miaphysite community—comparable to the ideological 'capture of the past' for Christianity more generally which we shall explore in Chapter 5. John's task was easier since there was undoubtedly *some* persecution from Justin I onwards, which, despite modern 'revisionist' accounts playing down its intensity, apparently included 'martyrdoms' as well as general harassment of non-Chalcedonian monks.²⁵²

Whatever the intensity of persecution, however, Miaphysite 'group identity' did not normally include disloyalty to the emperor as such, even on the part of such a Miaphysite activist as John of Tella,²⁵³ nor any revolutionary intent.²⁵⁴ Recent work on Daniel of Salah suggests that, in some Syriac-speaking monastic circles, however, alienation from the empire existed of a kind not to be found in 'establishment' writers like Severus or John of Ephesus.²⁵⁵ Similarly, a sixth-century Alexandrian philosopher, John Philoponos, could assert that the emperor was not the image of God, and that government rested on the will of the governed.²⁵⁶ However, Severus was, like his successors at, say, Callinicum and the Greek-speaking leaders of his church generally, 'playing for the whole Church'²⁵⁷—although he was prepared to contemplate the ordination of Miaphysite clergy in the early 530s, which helped pave the way for a separate Miaphysite church later in the century.²⁵⁸ Moreover, the Miaphysite bishops, recalled from exile by Justinian a few years previously, wrote to the emperor after the Nika Riots to outline both their faith and hopes that all rebellions would fail.²⁵⁹ Jacob of Serug was effusive in protestations of loyalty, albeit at

²⁵⁰ Menze (2008), ch. 5 for details. Cf. B. Anderson (1991) on 'imagined communities'. These points are developed in Sizgorich (2009).

²⁵¹ Menze (2008), ch. 2.

²⁵² Zacharias of Mitylene, *EH* 10.2; John of Ephesus, *LOES*, *PO* 18. 418; Michael the Syrian, *Chron.* 9.18; Elias, *Life of John of Tella*. Van Rompey (2005), 241–4.

²⁵³ Elias, *Life of John of Tella*, 73.

²⁵⁴ Although Severus had benefited from violence to obtain his see, he nevertheless held—once in office—that a bishop's duty included maintaining public order: *SL* 1.9, 46.

²⁵⁵ Taylor (2005). Wood (2010) also takes the argument further.

²⁵⁶ *On the creation of the world against Simplicius* 6.16. Averil Cameron (1985), 252–3, suggested that this is essentially biblical exegesis. But, in this society, can we so easily separate theology and politics?

²⁵⁷ Note his prominent role in Constantinople under Anastasius, and both then and later intense networking of influential figures, lay and secular: Allen and Hayward (2004), 11.

²⁵⁸ Severus, *SL* 1.59.

²⁵⁹ Zacharias of Mitylene, *Chron.* 246–53.

Justin's probably prudential restoration of a Miaphysite bishop of Edessa.²⁶⁰ In fact, despite the politically motivated preference given to Miaphysites during the early seventh-century Persian occupation of the East, there is a case for seeing the alleged chasm between Chalcedonians and their adversaries as owing more to the bias of the sources. For their primary concern, certainly from John of Ephesus onwards, was to portray their sect as steadfast under allegedly relentless persecution.²⁶¹

But whatever the truth about persecution (and interested perceptions of it), including such 'low intensity' persecution as restricting heretics' property rights,²⁶² substantial Miaphysite congregations clearly survived to be serviced by the new Miaphysite priests and bishops from the 530s onwards. Also, as Moschus, Rufus, and others show, there was some social apartheid. However, Irish history, including the most recent 'Troubles' in the North, suggests that it does not require much perceived harassment, especially by those of another group, whether of nation, community, or faith, to generate lasting grievances. One may also doubt whether the two faith communities were, again as in Ireland, less than generally tolerable neighbours to each other most of the time. For example, although condemned for their treatment of Symeon the Fool (who was, however, giving away their stock), there is no suggestion that his Miaphysite employers were other than respectable Emesa traders and, at least most of the time, no more disruptive of civic life than the members of the factions, whom the saint visits (but of whom he also disapproves), as they harmlessly pass their time washing their clothes in the river.²⁶³ Indeed the praise given to Sergius,²⁶⁴ who burst outraged into a church in Amida presided over by the metropolitan Abraham bar Kayli, suggests the battle lines were not, outside the professionals—and not always even then—invariably as sharply drawn as Miaphysite sources imply. For not only was Abraham regarded by John of Ephesus as an evil persecutor, but Chalcedonians *and* Miaphysites were worshipping there *together* under him.²⁶⁵ That the boundaries between 'orthodox' and 'heretic' were more fluid than the leadership chose to admit is also suggested by what appears to be the fluctuating membership of the Miaphysite community. Hence the letters from Severus to Dionysius, metropolitan of Tarsus, who, Severus alleges, is culpably exposing

²⁶⁰ Vasiliev (1950), 234. Meyendorff (1989), esp. ch. 8, stresses, with examples, the fundamental 'Greekness' of the Miaphysite leadership and how they operated in an imperial context. Similarly Van Rompay (2005).

²⁶¹ So Whittow (1996), 42–6. Liebeschuetz (2001b), 259, 283, 306 for Persian policy.

²⁶² e.g. *JN* 115 (542), specifically including *akephaloi*: that is, Miaphysite followers of Severus.

²⁶³ *Life of St Symeon the Fool* 146ff. (in Krueger).

²⁶⁴ *LOES*, PO 17. 98.

²⁶⁵ Whittow (1996), 45, interprets the failure of our sources for Egypt normally to distinguish between varieties of Christians as evidence that differences were not as fundamental as the theological literature implies. Likewise Menze (2008), ch. 5. Evagrius (*EH* 1.11) can be read as supporting this viewpoint.

'Christ's rational sheep' to a 'heretical' bishop.²⁶⁶ He has to write to noble ladies who were apparently 'off message' theologically, or inclined to pray alongside 'heretics', in order to win them back for his version of orthodoxy.²⁶⁷ Note, more generally, the trouble Severus repeatedly takes to maintain the theological identity of his group. All this cautions against overemphasizing sectarian divisions or the rigidity of group boundaries. But it is not, however, to deny that Miaphysitism *could* be a mass movement—nor confined to Syria and Egypt—notwithstanding the porosity of group boundaries. And my own experience of Northern Ireland and Lebanon suggests that one discounts group allegiances at one's peril. One also wonders whether John of Ephesus' tribute to the Asian provinces where the 'flame of truth burned most strongly' has any connection with the disorders noted in many of these in Chapter 3.²⁶⁸

From the elites to the streets 2: Structures of power

What distinguishes the Chalcedonian–Miaphysite conflict is, however, less passionate dispute about the unknowable than the *political selience* of the conflict, with thousands on the streets of Alexandria and elsewhere cheering their bishop as if he were a charioteer. This reflects above all the growing *power of the episcopate* since Constantine—judicial, economic, administrative, and political—reinforced by bishops' evolution from local notables into, in the case of the greater sees, magnates of great importance for the governance of the empire; and, second, the closely linked *mobilization of the masses*, lay and monastic, in support of doctrinal credos commanding a degree of emotional commitment sometimes comparable to that of the factions. It required 6,000 soldiers under Narses in 535–6 to restore order in Alexandria following violent clashes, this time between Miaphysite factions.²⁶⁹

The growth of episcopal power is a recurrent motif in this study—and the subject of excellent recent scholarship. Some have addressed the role of the bishops in relation to religious conflict,²⁷⁰ but not all aspects of this new pre-eminence in relation to religious dissent have so far been given their due. Not only had great sees become richer, but their wealth often came from transferring resources from secular to religious, including charitable, use. This reflected the absorption of donations from Christian notables which might once have been lavished on baths or games, that is to say, on the citizenry generally, rather than on the 'poor', irrespective of their legal status. Similarly,

²⁶⁶ e.g. Severus, *SL* 5.6, 318–19.

²⁶⁷ Severus, *SL* 7.7, 382–3; 4.10, 272–5.

²⁶⁸ John of Ephesus, *LOES*, *PO* 18.47, 676–84.

²⁶⁹ *PRLE* iii B, v.s. Narses. Hardy (1968), MacCoull (1988) for Egypt generally.

²⁷⁰ e.g. Liebeschuetz (2001b), 257–60.

their greater local political power could give them, to use an Irishism, 'pull' at court, of which Severus would be an excellent example, first under Anastasius, later—at times—under Justinian in terms of the high officials and bishops he cultivated.²⁷¹ Cyril's massive bribery illustrates not only what resources the greatest ecclesiastics could deploy; but also a political operator's awareness of precisely *who* had to be bought in order to achieve ascendancy: not just high officials, but a maid, for instance, with access to the empress.²⁷²

Such influence was not confined to the greater bishops' power of persuasion, their cash, the Christian equivalent of *stasiotai* at their disposal—or even their ability to call on soldiers.²⁷³ In Egypt, for instance, the corn supply was vulnerable to ecclesiastical interference.²⁷⁴ It was augmented, in a way modern church history can fail to bring out, by the slow change from 'traditional' civic government by *curiales* to 'government by notables'. Bishops were prominent in these new arrangements and even in imperial administration more generally: the utility to the regime and the number of tasks a loyal bishop could perform grew.²⁷⁵ Gregory of Antioch, for instance, supplied soldiers on the way to the Eastern frontier, helped suppress an army mutiny, and also 'converted' Miaphysites (including their 'fortresses') on the Eastern frontier back to the Chalcedonian fold.²⁷⁶ In this, he was providing services in a vital strategic region that were as at least as 'political' as 'religious'. So much is common ground; what follows is not.

It is not simply that the rise of 'notables'—one recalls the rise of the service aristocracy after Diocletian—potentially strengthened the centrifugal forces operating in the empire. But increased episcopal power was also potentially part of those forces.²⁷⁷ Hence if bishops were not onside, then the loss of local leaders of an empire-wide organization of at least comparable importance for its cohesion as the factions, was particularly damaging. Justinian's *Edict* 1 and *Novel* 8 are only two examples showing the importance the emperor attached, like his predecessors, to their monitoring and reporting on local administrators—and, by implication, the harm that might ensue if those bishops allied with those local notables, especially those with strong local roots, rather than the emperor.²⁷⁸ The damage was the greater because, in addition to

²⁷¹ Zacharias of Mitylene, *Life* 104; Severus, *SL* 1.1, 3–11, for examples. Also Evagrius, *EH* 3.33, with Whitby's commentary.

²⁷² Cyril, *Ep.* 96. The *Liber Pontificalis* illustrates the wealth of the bishops of Rome. More generally Liebeschuetz (2001b), ch. 4; Rapp (2005a), pt. 2.

²⁷³ Ch. 3.2.

²⁷⁴ e.g. as threatened by Dioscorus' supporters following Chalcedon: Whitby, n. 76 on Evagrius, *EH* 2.5. In the late 6th-cent. disturbances in Egypt, there was interference in the corn supply to Alexandria (John of Nikiu, *EH* 97).

²⁷⁵ Rapp (2005a), and Ch. 6 here.

²⁷⁶ Evagrius, *EH* 6.11–13, 22.

²⁷⁷ Ch. 3.2.

²⁷⁸ Ch. 6 for fuller details of episcopal administrative responsibilities as pillars of the regime.

their charismatic authority, they were often the *chief*, and richest, notables in their locality. Given their lengthy tenure of office, they also had opportunities not available to shorter-term imperial officials to build up the networks of influence and patronage necessary to the smooth running of their areas.

Moreover, it was a marked feature of the late antique church that it was making efforts, scarcely known previously, actively to cultivate a wider constituency of 'the poor' and in ways that exploited the omnipresent 'acclamation culture'.²⁷⁹ For what this could mean, in a Miaphysite context, consider the following, allegedly divinely inspired, chanting in Alexandria in 453, in the fallout from Chalcedon:

Dioscorus to the city! The orthodox [*sic*] to the city! The confessor to his throne!
Let the bones of Proterius be burnt! Drive Judas into exile! Cast Judas out!²⁸⁰

'Judas', better known as Proterius, the Constantinople-appointed Chalcedonian patriarch, was lynched in 457.

The churches were also the only organizations in the empire with the ability—and motivation—to exploit the reduction of complex theological issues to slogans for those impervious to 'hard' theology. Only they (plus the factions and the imperial government) could mobilize the masses on this scale, certainly in the cities. Augustine illustrates—independently of the Miaphysite conflict—practices important in our Eastern conflicts: the cultivation of simple language for sermons which were aimed at the uneducated, even the composition of songs to get across his messages against Donatists.²⁸¹ He was not alone: Arius may have composed a poem, *Thaleia*, designed to promote his views and sung in the bars of Alexandria.²⁸² Severus was a noted hymnographer.²⁸³ (It is, for comparison, hard to grasp the *emotional* force of the recent Northern Ireland conflict without hearing the emotive, often catchy, but politically tendentious songs of each community.²⁸⁴) So we cannot dismiss the significance of setting the theological issues of the day to music, given their resonance in the wider community. Many had the motive for doing so. The best, officially blessed, example of political songwriting would be Romanos'. 'No one can argue against a song'.²⁸⁵

²⁷⁹ P. R. L. Brown (2002), esp. ch. 1.

²⁸⁰ John Rufus, *Vita Petri Iberi*, 59.

²⁸¹ P. R. L. Brown (2000), 141.

²⁸² Jones (1964), 964.

²⁸³ *Hymn* 253 (against Chalcedonians!) is especially relevant. Allen and Hayward (2004), 54–5 for background.

²⁸⁴ Both old and modern songs are (or were) deployed: in the former category, for instance, 'In the lonely Brixton prison, the dying rebel lay...' from the traditional ballad 'Will my soul pass through Ireland?' This I heard sung at a wedding reception (!) in Ballycastle, Co. Antrim, late 1970s; in the latter category, a more modern song 'The Men behind the Wire', reacting to the reintroduction of internment without trial by the NI Government in 1971.

²⁸⁵ Bloch (1974), cited in Mann (1986), 15.

Consider also the fourth-century bishop Cyril of Jerusalem. He shows the importance attached to educating catechumens rigorously in the orthodox faith—not least in abjuring ‘heresy’. He emphasizes, however, that those who cannot read the Scripture, ‘being unlearned’ or too busy, can nevertheless ‘commit to memory the faith, merely listening to the words’ which are ‘expressed in but a few articles’, and, in effect, postpone indefinitely mastering the supporting argumentation.²⁸⁶ Put simply, if you know the slogans, you’ll be OK. It is not far, especially in a culture where ritual acclamation is so familiar, to the reduction of complex theological positions to the omnipresent sloganeering deplored by Gregory of Nyssa—not because it was sloganeering as such, but because it was ‘heretical’ *Arian* sloganeering.²⁸⁷ Gregory is unlikely to have objected to orthodox sound bites. What matters is that the sect leaders understood the importance of, in our terms, building and consolidating group identities and commitment—while in their terms, teaching their followers ‘the truth’ in ways that they could understand. If we are looking for the *cognitive* element in religious group identity, one could do worse than plump for the slogans.

For Miaphysites, the core of their position remained Cyril’s ‘one nature’ formula, supplemented, for example, by the controversial (Miaphysite) addition to the *Trisagion* or the snappy definitions of ‘heresy’ and ‘orthodoxy’ in Severus’ letters.²⁸⁸ Romanos, for the other side, briskly dismisses heretical positions—and ‘Hellenic’ writers—in hymns for churches in Constantinople.²⁸⁹ Some have supposed that Romanos did not fully grasp the theological issues. But they have misunderstood the purpose of melodious sloganeering—even though they are rightly clear that his *kontakia* furthered Justinian’s political, religious, and cultural interests.²⁹⁰ We thus have evidence of further mechanisms for mobilizing mass support for theological positions that had importance, at least in simplified form, for a wider population that, as this chapter began by arguing, was easily aroused.²⁹¹ These popularizing techniques also involved the man in the street (or theatre)—as well as in the growing monastic populations—in disputes in ways that the sophisticated debates in the upper-class Pagan schools of philosophy did not. (The circus factions did not need to!) Our argument suggests that this was because the ecclesiastical elites deliberately recruited the masses, ideologically as well as materially. This is, after all, what is meant by conversion, and, in a society where Paganism was far from extinct,²⁹² they were in turn involved in the

²⁸⁶ Cyril of Jerusalem, *Catechisal Lectures* 5.12.

²⁸⁷ As de Ste Croix noted (1981), 449.

²⁸⁸ For the former, *SL* 1.6 and 70; the latter, *SL* 5.1.

²⁸⁹ e.g. *Kontakion* 28, pp. xxiiff. P. Maas (1906).

²⁹⁰ *Kontakion* 54 is a key text here.

²⁹¹ See n. 2. ²⁹² See Ch. 5 here.

issues, and came to define their group identity in terms of the religious slogans of their sect.

We also find this simplification of the arguments at more elevated levels: Evagrius, we saw, attacked the reduction of theology to an absurd quarrel over two letters: *en* (in) versus *ek* (from/out of), which Justin II denounced in his *Edict* of 571. More interesting is how a man convinced, again like Justin II, that all Christians had far more in common than what they quarrelled over, presents this trivial distinction as nevertheless fundamental to the wider struggle in the empire:

Men consider these things to be so distinct from one another, from some habit concerning their glorification of God or indeed a prior decision to think thus, that they scorn every form of death rather than move to approval of the reality.²⁹³

This (psychologizing) lament resembles that of Procopius on the folly of the *stasiotai*, including their readiness to die for the cause of their faction. There are further equivalences between Christian and factional group behaviour: both were organized; both chanted sometimes almost *identical* slogans—compare the factional ‘may the fortune of the Greens triumph’ with ‘may the fortune of the Christians triumph’. The latter was chanted in the Forum of Constantine in Constantinople in 533 near the start of a chant which included the ‘Miaphysite’ version of the *Trisagion*.²⁹⁴ Young men—presumably organized—seem to have played an especially prominent role in ecclesiastical ‘demonstrations’, including at church councils, just as we saw they did in the circus and theatre. Thus Gregory of Nazianzus:

My speech was the signal for screams on every side from that flock of crows all massed together... the horde of young men... gave the impression of dust churned up by a whirlwind during a storm,... they were like a swarm of wasps... and, far from attempting to chasten them... the elders actually joined the demonstration.²⁹⁵

Finally, if Egyptian grandees, like the Apions, had their *bucellarii*, the notables of Honorias (and elsewhere) their club-men, the factions their *stasiotai*, the patriarchs of Alexandria their ‘paramedics’ (*parabalani*), their ‘lovers of toil’ (*philoponoi*), even soldiers, bishops had their *monks* as well—who were subjected, following their excesses at Ephesus II and elsewhere, to episcopal jurisdiction at Chalcedon (canon 4).²⁹⁶ Antioch in 512 provides a sixth-century example of how both Miaphysites and Chalcedonians could exploit,

²⁹³ Evagrius, *EH* 2.5. ²⁹⁴ *Chron. Paschale* 533.

²⁹⁵ Gregory of Nazianzus, bishop of Constantinople, 380–1, *On His Own Life*, ll.1680–90. His own supporters could also be unruly (ll. 1045–1112).

²⁹⁶ Club wielders (*doruphoroi*), see Ch. 3.2. The word *parabalani* is of uncertain origin (*LSJ*); they served as nurses, etc. in church hospitals, when not serving as the patriarch’s paramilitaries. Cf. Winnie Mandela’s infamous ‘Football Team’ in South Africa.

as street fighters, allied monks. Similarly, monks faced down in Syria, in the last years of Anastasius, soldiers seeking to discipline two local bishops and supporters seeking to depose Severus, then patriarch of Antioch. Evagrius attributes this to Anastasius' merciful deposition. More probably, it reflected a judgement that force would be counterproductive in a sensitive border area, combined with a more general preference for not making religious conflict in the region even worse.²⁹⁷ Ecclesiastics probably also tried to recruit the factions, even if we only seem to have a single example: Blues urging people to attack a Miaphysite monastery around 515.²⁹⁸

But, while ecclesiastical grandees could mobilize their supporters, monastic and lay, in pursuit of their objectives, their ability to do so was constrained. They had to take their (generally) harder-line, less sophisticated supporters with them in a way that is a regular feature of negotiations away from home. This was not always possible. As early as Chalcedon, several Egyptian bishops rebelled—correctly fearing the likely reaction back home:²⁹⁹ later, Stephen of Antioch was murdered, possibly by his own clergy;³⁰⁰ Severus, we saw, faced permanent dissent from some of his clergy, from bishops downwards. The equivocations of Pope Vigilius in Constantinople during the Council of 553 can partly be explained by (justified) fears of the likely reaction in Italy. There, despite his successor's backtracking, the ensuing schism between Rome and some northern sees over the condemnation of the 'Three Chapters', pronounced at that council, lasted until 573 in Milan and longer in Aquileia. (Not that this prevented, *for political and military reasons*, Constantinople's subsequent backing of dissident bishops against Rome rather than the latter against schismatics. This reinforces our more general argument, developed below, that emperors were prepared to keep politically necessary bishops 'onside' irrespective of doctrine.³⁰¹) The pliable patriarch of Jerusalem, Juvenal, who had abandoned his former ally, Dioscorus, and came to support the Chalcedonian definition at the council, was forced on his return home to flee from his see by outraged clergy and monks. The agreement at Callinicum in 568 foundered; the monks would not follow the leadership's example. Similarly, the two Unionist leaders, James Molyneaux (now Lord Killead) and the Revd Ian Paisley (now Lord Bannside), were 'converted' by the then prime

²⁹⁷ Evagrius, *EH* 3.34; Cyril of Scythopolis, *Life of Sabas* 56–7, suggests that problems with Vitalian near the capital meant Anastasius was reluctant to open 'a second front'. Similar considerations may have persuaded the authorities to leave the Pagans of Heliopolis (mod. Baalbek) alone. See Ch. 5.

²⁹⁸ Liebeschuetz (2001b), 259.

²⁹⁹ Mansi, vii. 51, 58–60. For the immediate hostile reaction to Chalcedon in Alexandria, Michael the Syrian, 8.12; John Rufus, *Plerophoriae*. Hardy (1952) 115; Frend (1972b), 142.

³⁰⁰ Mal. 381; Evagrius, *EH* 3.10.

³⁰¹ Herrin (1987), 119–25, saw the Council as a disaster for East–West relations. Sotinel (2005), for tortured relations thereafter between Rome and Constantinople, and the latter's relations with deviant bishops.

minister, Margaret (later Baroness) Thatcher, in London to accept the Anglo-Irish Agreement in December 1985—I was one of those tasked with spreading the ‘Good News’ of this to opinion makers in Northern Ireland and London. But they too ‘apostatized’ as soon as they were reunited with their supporters back in Belfast. A civil war in Ireland had followed an earlier deal, the so-called Anglo-Irish Treaty of 1921, struck in London by Michael Collins, which had ended the war with Britain. Collins was murdered shortly after back home in Ireland by fellow Republicans.

Against this background, questions about the ‘true’ strength of Miaphysitism, especially in their rural heartlands of the East, Syria, and Egypt, and at what periods, are hard to answer, given the bias of our sources and the ‘porosity’ of Chalcedonian and Miaphysite communities. On the other hand, it is hard to resist arguments that Miaphysites were sufficiently numerous for an emperor to need them, or at least not to have them actively opposed to him.³⁰² More important is recognizing that Miaphysite leaders *could*—sometimes—exploit significant resources against the emperors and the ‘orthodox’ (and each other in Alexandria) when required. Sometimes they may even have sought to exploit Persian invasions to their advantage:³⁰³ when occupying the East in the seventh century, the Persians saw advantage in favouring a sect not confined to Roman territory³⁰⁴—as Chosroes had deliberately favoured the (non-imperial) Greens in Apamea in 540.³⁰⁵ In short, church divisions in the years after Chalcedon constituted a sufficiently grave political problem to concern emperors from Zeno onwards; it was a problem exacerbated by, and potentially exacerbating, other conflicts this study addresses.

Imperial policy for the resolution of religious conflict 1—a hypothesis

Modern church historians can give the impression that emperors had little better to do than resolve disputes amongst the churches—disputes primarily perceived in terms of doctrine, faith, and belief, which transcend vulgar

³⁰² See e.g. Kennedy and Liebeschuetz (1989) for Syria. Menze. (2008, esp. ch. 3) is uncertain about numbers, but has no doubts about their political significance.

³⁰³ Notwithstanding evidence of Miaphysite monks *defending* the Tur Abdin (in mod. SE Turkey) against the Persians: Michael the Syrian, *Chron.* 10.25. For *divided* rural loyalties, however, Theophylact Simocatta, 2.1.1–2, 18.7 and 9.

³⁰⁴ Michael the Syrian, 10. 25. Frend (1972b), ch. 9 on Persian policy as exploiting religious divisions, consequent Miaphysite gains, and the ruinous breach with the Miaphysite Ghassanids (in mod. SE Syria, E. Jordan). Liebeschuetz (2001b), 257, on the interrelated secular and religious factors operating in a confused and edgy political climate. Fowden (1993) for the ‘cross-border’ character of the ‘Monophysite commonwealth’.

³⁰⁵ *Wars* 2.31.

politics.³⁰⁶ Worse, imperial policies have been represented as being all over the place, marking a ‘zigzag course’—pragmatic in the worst sense.³⁰⁷ My hypothesis, by contrast, is that, after Chalcedon, the following themes characterize the generally consistent approach emperors brought to religious conflict resolution.

First and most important—and irrespective of their own theological concerns—emperors know that they have an empire to govern—and churches to sustain—in all its challenging diversity.³⁰⁸ This includes managing strains within the wider social structure, maintaining public order, dealing with military threats, and responding to environmental disasters. Above all, they must ensure that tax revenues keep flowing in without which none of the foregoing, including largesse to the churches themselves, is possible. They cannot treat religious issues in isolation or to the exclusion of other matters, even if religious affairs, whether in social, political, or ideological terms, inevitably played a larger, indeed a central, role in imperial politics. Thus Justinian, than whom no emperor was perhaps more theologically minded, had to spell out for a pope’s benefit how political and religious issues interacted, in case he had forgotten, as Roman pontiffs tend to do in the relentless pursuit of their own agenda.³⁰⁹ When emperors forget this, even if ‘they are exclusively burning with the love of eternal life’, they make mistakes, as finally did Justinian in apparently espousing apthartodocetism in extreme old age.³¹⁰

Nor, second, can they distance themselves from religious matters. Christian emperors are inescapably involved in ecclesiastical controversy and church issues. Indeed, for Justinian, as for Constantine, securing religious unity was both a religious and a political imperative—a duty to the God (or gods, in Julian’s case) who had given them rule over the empire. They are themselves the apex of a Christian empire—the ‘imitation of God’ to Eusebius, and, in our century, to Agapetus the Deacon, and to the author of *On Political Science*—in which the greater bishops can no more be ignored than a US president can afford to ignore Congressional leaders (and their factions) individually or collectively. Even if they are minded to withdraw, they will be sucked in by the bishops themselves.

³⁰⁶ Comparing the late antique conciliar process within the Church with the NI Peace Process, in conversation with the then UK prime minister, Tony Blair, in May 2007, I suggested that modern ecclesiastical history often suffers from unawareness of the wider political context. The PM agreed, and volunteered Rowan Williams’s *Arius* as an example.

³⁰⁷ ‘Zigzag course’: Frend (1972b), 255, citing precedents. The idea is still around: see e.g. Mazal (2001), 1, 195.

³⁰⁸ JN 6 for J.’s recognition of his responsibility in regard to the Church.

³⁰⁹ e.g. *Coll. Avell.*, *Epp.* 147, 162, 196. For papal insensitivity to, or the lower priority they gave to Constantinopolitan concerns and to the management of the Eastern Empire, Sotinel (2005).

³¹⁰ Corippus, *In Praise of Justin II* 2.265–7.

Third, this perception—that the empire has to be governed and that government includes managing the churches, rather as Porphyrius had to manage recalcitrant quadrupeds—frames both their strategy and their tactics. Unsurprisingly, given that the fundamental political and social structure of the empire in late antiquity, including its religious profile, is broadly invariant, their *strategy* is broadly consistent from Marcian to Heraclius. Emperors seek to reconcile *all* the great sees—including the most independent minded, Rome, which consistently takes a different view of imperial authority in religious matters from that of the emperors. But, if hard choices are necessary, emperors will prioritize securing their capital, then reconciling dissident minorities—their leaderships above all—within their own borders. That partly explains why they are particularly receptive, especially when they are politically vulnerable, to initiatives to win over the Miaphysites, not least the patriarchate of Alexandria, given the importance of Egypt in the wider political economy, and those on the exposed Syrian frontier.

However, *fourth*, their *tactics* depend on the wider political, ecclesiastical, and military conjuncture at any particular time. History is not static, as Justinian's own legislation regularly reminds us, nor is religious thinking. As one commentator put it, Justinian's policies are those of a 'pragmatic power broker looking for a deal that would do the job'.³¹¹ Emperors keep their tactical options open while, the usurper Basiliscus (r. 475–6) initially excepted, declining to repudiate Chalcedon—a posture which does not preclude 'clarifying' its doctrines in the hope of promoting their more widespread acceptability, as in the 'Three Chapters' debate and Constantinople II, or reconciling Miaphysites more generally. This reflects the wider intrinsic merits of Chalcedon in providing the widest and best achievable basis for theological and, therefore, empire-wide political consensus—one that may be creatively glossed, but never repudiated. It is, more particularly, because 'canon 28' confirmed the ecclesiastical status of Constantinople as the first see in the East, ranking over Alexandria and Antioch, with jurisdiction over Thrace, Asia, and Pontus. Although there was no derogation from the position of Rome at the apex of the Church, a papal legate at Chalcedon could still describe it as a 'humiliation of the apostolic see'.³¹² Nothing perhaps better illustrates the importance that the search for power and status played in the workings of church politics, even at Chalcedon when Rome had won such a major doctrinal victory with the council's blessing of the 'two natures' theology of the *Tome* of Leo.

³¹¹ For repeated recognition (and defence) of the need to adapt policy in the light of changing circumstances: Ch. 6 here. For pragmatism in imperial theological thinking, see J.'s 518 volte-face over Theopaschism: *Coll. Avell.* 187, 188. Quotation: Gray (2005), 227–9.

³¹² For canon 28, see Price and Gaddis (2005), iii. 69–73.

Finally, in terms of pursuing this strategy, emperors prefer to search for compromise, achieved by diplomatic methods (sometimes supplemented by coercion), ultimately expressed in meticulously drafted texts. This is partly because all emperors are constrained by their physical inability, in the long term, to coerce dissidents in the face of organized resistance; this is something of which we saw Justinian, before becoming emperor, had forcibly to remind Pope Hormisdas, and which the establishment of alternative patriarchates and the emergence from the 530s of a Miaphysite church later confirm. Moreover, until the 530s, Rome itself is not under the physical control of the emperor. This reflects, more generally, the relative weakness of rulers, not least in pre-industrial societies, and also the strength of those they try to conciliate—increasingly on the intellectual as well as the social and political levels.³¹³ It also reflects a no less pressing imperative to take as much of the population with them as possible. This in turn requires their actions to be seen as ‘legitimate’—a necessity to which we will return. If they fail to achieve this, their efforts risk being not just ineffective but also counterproductive.

If these hypotheses are broadly correct, then talk of a ‘zigzag’ course in imperial policymaking—assuming that means not simply tactical flexibility, but the absence of a constant strategic goal—is nonsense, fuelled by political naivety and not setting that policy in its wider political context. A fair analogy to imperial policy would be the policy of successive UK governments since the imposition of direct rule in Northern Ireland in 1972. Their *strategy*, of restoring devolved government to the province on a basis broadly acceptable to both communities and eliminating political violence, was remarkably consistent under governments of different political colours and leaders, from the late Harold Wilson in 1968 to Tony Blair and the ‘Belfast Agreement’ in 1998, and more recently still. It was unambiguously and often proclaimed in ministerial speeches, in White Papers, and in talks with the local political parties and interested foreign governments. The *tactical* emphases at various times differed greatly, however, depending on the prevailing security situation and the wider political conjuncture: sometimes ‘defeating terrorism’ was at the forefront; at others, economic reconstruction. The political path was indisputably tortuous and bloody—but not ‘zigzag’. Fortunately for the British government, the process was about achieving a workable political compromise, not determining the ‘Truth’ about the arguably unknowable.

However, in that Northern Ireland Peace Process, ideas as to what that ‘widely acceptable solution’ would entail in detail developed, without changing fundamentally over time, from an original conception of a ‘power-sharing’ deal between Unionists and Nationalists in the context of Northern Ireland

³¹³ Note the clarification of Miaphysite thinking from the late 5th cent. onwards in Severus of Antioch, Philoxenus of Mabbug, and Jacob of Serug, of whom the first, in particular, provides a logically coherent Christology: Chesnut (1976).

alone, to one embracing not only relationships and political institutions within the province, but relations between both parts of Ireland and within the British Isles as a whole, and for which the strong backing of the then US president, Bill Clinton, was secured. Although anyone close to the process saw quicksands ahead, few would have guessed in the year of the Belfast Agreement (1998), it would take further talks, and a further agreement—that of St Andrews in 2006—eventually to permit a more robust and broader-based power-sharing coalition. This time it would include the militantly Protestant DUP, who had not even signed up to the 1998 deal, but now would share power with the political wing of the IRA, Sinn Féin.³¹⁴ But despite twists, turns, and changes of emphasis, procedure, and ministers—as well as eruptions of renewed political violence—the *outlines* of what seemed to be the only likely form of a final settlement, and to which they then worked to refine and persuade others of its merits, had been on British officials' desks on two sides of A4 paper by the early 1990s. This is the analogy for imperial ecclesiastical policy offered here: a constant long-term struggle—without at the same time ceasing to act robustly to defeat terrorism and promote economic prosperity—to achieve a relatively fixed, strategic goal, admitting of great short-term fluctuations and conceptual innovations, with many groups, and groups within groups to pressure, persuade, and conciliate as circumstances demanded. But *is* our hypothesis correct?

Imperial policy 2—its implementation (1): general considerations

'Yes,' replies the evidence. Broadly speaking, both our analogy with Ireland and our hypotheses about imperial policy hold. For whatever their personal convictions, emperors were, *first*, consistently preoccupied with maintaining the cohesion and integrity of the empire—and their own regime. This is *not* to posit any anachronistic separation of political and religious reasoning; rather that securing the empire (and themselves) was a sacred duty within their ideological understanding of the imperial office, in which the emperor could be publicly represented as 'entrusted by God with the empire of the world', with correspondingly awesome responsibilities.³¹⁵ This rested not only on military and economic strength, but in the conviction of emperors from Constantine onwards that they needed to promote a Christian equivalent of the ancient *pax deorum*—the 'peace of the gods'. This was to establish the right relationship between the state and heaven—in order to enable both emperors to achieve their strategic goals and the earthly benefits to accumulate. Zeno's *Henoticon* (478) expresses this in Christian form:

³¹⁴ Dec. 2010.

³¹⁵ Agapetus: ch. 30. See Ch. 6 here for their ideological assumptions.

For while our Great God . . . approves and readily accepts *our concordant glorification* and worship, on the one hand the enemy nations will be utterly destroyed and annihilated, while on the other all will incline their own neck to our power under God, while peace and its blessings, temperate weather and bounty of produce and other advantages will be freely bestowed on mankind.³¹⁶

Second, closely related, was maintaining the emperor's legitimate authority as the divinely ordained instrument of God's rule on earth.³¹⁷ The ecclesiastical 'anarchy' that characterized (not only) Anastasius' reign 'when the Synod at Chalcedon was neither proclaimed in the most holy churches, nor indeed universally repudiated, [but] each of the prelates conducted himself according to his belief', was a threat on both counts (although it made it harder to make political capital out of such differences).³¹⁸ To question the orthodoxy of an emperor provided a pretext for the kind of revolt that threatened Anastasius, namely that of Vitalian, whom Justin had later to 'neutralize'.³¹⁹

Third, although a feature of many, at least Miaphysite, leaders is their apparent loyalty to the emperors, the fear of a loss of religious and ultimately political cohesion in strategically vital areas of the empire was a further, closely related motive for imperial concern. Justinian was notably prepared to put to one side Chalcedonian orthodoxy and sanction the ordination of Miaphysite bishops on the Eastern frontier in 541—even if Theodora was allowed to take the 'credit' for this *démarche* (and the emperor avoid any blame from Chalcedonians). Here the movement was strong and the preferred creed of the ruler of an Arab tribe, the Ghassanids, who were responsible for 'privatized' frontier defence in the area of south-east Syria. His relationship with the Roman state was at best ambivalent. But his strategic role was crucial. Hence the need to make every effort to keep him loyal.³²⁰

Fourth, even if emperors had wanted to keep out of such quarrels, they could not. It had been a marked feature of the empire since even before Constantine—that, with varying degrees of enthusiasm, they had been embroiled in ecclesiastical controversy by the disputants themselves.³²¹

³¹⁶ *Ten ek symphonias doxologian*: 'concordant glorification'—everyone, that is, united in the same faith: Evagrius, *EH* 3.14 (tr. Whitby, amended); my italics. Socrates, *EH* 7.22.13–19 and Sozomen, *EH* 9.1 for similar benefits, including climatic, which Theodosius' piety secured for the empire. Cf. for similar sentiments *JN* 133.5, where monastic prayer affords *inter alia* good seafood.

³¹⁷ Chs. 6 and 7 here for details.

³¹⁸ Evagrius, *EH* 3.30. This passage usefully reminds us that neither then nor later were Miaphysites a homogenous block.

³¹⁹ See Ch. 6.

³²⁰ John of Ephesus (*LOES*, *PO* 19. 153–8); Frend (1972b), 284ff. recounts the diplomacy in detail, including by tolerating Miaphysite belief. For what went wrong when the Ghassanids were 'lost': Frend, ch. 9. *Wars* 2.4.21, Evagrius, *EH* 5.20 for two of many examples of Arab unreliability. See subsection 'Factions as social assets 2'.

³²¹ Even the *Pagan* Aurelian was sucked into the dispute preceding the deposition of Paul of Samosata (Eusebius, *EH* 7.30).

Neutrality was not an option. There was also a premium on diplomacy. This reflected the relative inefficacy of persecution as an exclusive method of 'persuasion'. The example of the persecution of the Christians themselves, under Pagan and later Christian emperors,³²² had demonstrated its limitations. And Justinian had forcefully reminded Pope Hormisdas of another—symbolic—obstacle, reflecting the strength of Miaphysite group identity, to reconciliation that was to be an obstacle in the talks with the Miaphysites in 532:

Neither by exile nor steel nor fire can some of the Easterners be compelled to condemn the names of [*sc.* Miaphysite] bishops who have died since Acacius.³²³

Anastasius had recognized this constraint in declining forcibly to remove Chalcedonian bishops seeking to unseat Severus. Procopius' account of how easily dissenters in his home province could affect 'orthodoxy' when under pressure underscores those constraints.³²⁴ Moreover, to the extent that John of Ephesus and later Michael the Syrian are correct in claiming that persecution strengthened dissidents' zeal, that constitutes further grounds for questioning its efficacy. There are also good reasons for doubting whether it was as intense as they allege. On the other hand, as Northern Ireland again shows, it does not take much, or many incidents, in a divided community to produce great and lasting resentments, and often much worse.³²⁵

More positively, emperors needed to maximize the support for their regime from the Miaphysites of whatever complexion: they remained, in the language of group psychology, at least until the establishment of their own church—and even thereafter—the 'out-group' or set of out-groups most likely to be won over to the regime, or persuaded to harmonious coexistence. They were also probably the most numerous. This contrasted with the much more brutal treatment by the regime of more equivocally loyal groups: the 'Hellenizing' sections of the elite, who were Pagans or sympathetic to Paganism, let alone Jews, Samaritans, or more extreme heretical groups.³²⁶ (Relatively) soft methods were more likely to win over, or keep onside hierarchs, increasingly

³²² The persecutions of the Donatists and, later, Miaphysites are the best-known examples of large-scale persecution of Christians by Christians, though note the heretical sects targeted in the Theodosian and Justinianic *Codes* (e.g. *CJ* 1.1, 1.5) and Proc.'s lists of heretics, *SH* 11.14ff.

³²³ The English obscures the vigour of Justinian's Latin: *pars Orientalium non exilio nec ferro flammisque compelli potest ut condemnet episcoporum nomina post Acacium defunctorum*. *Coll. Avell.*, *Ep.* 196. For the same message, put more 'diplomatically': Justin, *Coll. Avell.*, *Ep.* 192.

³²⁴ *SH* 11.24–7.

³²⁵ Whittow (1996), 44, musters persuasive evidence for not accepting accounts of persecution or Miaphysite strength and numbers on the ground at face value, though he passes over some of the more damaging incidents. Van Rompay (2005) also sees 'persecution' in more nuanced terms: bad enough sometimes to create a sense of victimhood; in practice, mostly moderate, even under Justin I, and aimed ultimately at reconciliation: see *Chron. of Edessa* 10.14–15. Menze (2008) is similar: excessive force risks being counterproductive.

³²⁶ See Ch. 5.

able to function as recalcitrant notables if they so chose. Moreover, while Miaphysite bishops were not necessarily cool to the regime, or only ready to collaborate with their co-religionists,³²⁷ a theologically reconciled hierarchy was a sounder local support for the emperor.³²⁸ The power to quell civil disorder, for instance, which Severus regarded as part of a bishop's duties³²⁹ was also the power to use it in pursuit of one's own ends. This is precisely what the Miaphysites in Antioch had done in the events leading to the fall of Severus' predecessor, Flavian.³³⁰ As we have seen, Severus himself employed military allies to oust his ecclesiastical enemies.³³¹

Map 4.1 showed the areas of greatest Miaphysite influence in Severus' day and later. It offers, therefore, some idea of the geographical power base which, *given church unity*, the regime could exploit more effectively, as well as areas potentially at risk in the event of a large-scale relapse into a more militant Miaphysitism, with concomitant alienation from the religious and political hierarchy of the empire, or which might, in consequence, even be open to Persian overtures. Unsurprisingly, we also see emperors initially relying in church affairs on persuasion or negotiation, in which they were the preponderant, but not necessarily overwhelming, players, in order to achieve the 'concordant glorification' (and wider support) that was their strategic goal. This is comparable to the way in which British governments, similarly unable to impose their will unilaterally, sought to give, as they put it, 'focus and direction' to the Northern Ireland Peace Process.

Imperial policy 2—its implementation (2): specific initiatives

Modern ecclesiastical historians invoke the constant efforts of emperors to 'restore' the unity of the Church—which assumes that it was ever united. Thus, excepting the (subsequently revoked) 'encyclical' (*enkyklion*) of Basiliscus (475), we have in the troubled period from Chalcedon onwards, the 'Document of Unity' (*Henoticon*) of Zeno (476), the *Typos* of Anastasius³³² (511–12), followed by the later initiatives of Justinian and Justin II. But one might scarcely guess, despite help from Evagrius, that, when Chalcedon took place, Marcian had also to handle other pressing government business, including a possible attack by Huns, who might have only been temporarily deployed in a

³²⁷ Cf. the Miaphysite episcopal support for Justinian already noted.

³²⁸ For the increasing importance of the episcopate *as an imperial resource*, see Ch. 6.

³²⁹ *SL* 1.9, 46.

³³⁰ *Mal.* 400.

³³¹ *PRLE* ii.164. s.v. Asiaticus; ii.352–3 s.v. Calliopos 6. 00.

³³² Evagrius, *EH* 3.4 (Basiliscus); 3.14 (Zeno); Grillmeier (1995), ii.1. 275, tr. from Armenian (Anastasius).

West then proclaiming its inability to finance its army.³³³ At the same time, although 'heretic' Arian Visigoths and Vandals were then established in Gaul and Africa, the see of Rome had partly recovered its position and authority after the Western court had retreated to Ravenna. It thus required taking that much more seriously—especially since the city was not then, physically, under the Eastern emperor's control, nor yet sacked by Vandals. There were, therefore, immense pressures on Marcian and his wife, Pulcheria, to prevent further disintegration by working for a compromise that might prevent Egyptians and others from moving further into apparent schism, not least from Rome, as they had been doing since the *Latrocinium* (or 'robbers' den') of Ephesus II.

The imperial couple had, therefore, solid ideological *and* prudential grounds both to convene a council, whose effect would be political as well as religious in terms of promoting religious (and political) unity—and to hold it at Chalcedon across the Bosphorus from Constantinople, not at more remote Nicaea, to facilitate imperial control of the bishops, but without impeding the administration of the empire ~~more~~ more generally. Moreover, to the extent they shared the assumption of the later *Henoticon* on the benefits, heavenly and terrestrial, of 'concordant glorification', it would have been natural for them to conclude that the disasters of the age resulted from a lack of the religious unity that it was their duty to promote. But, you may object, 'Chalcedon only took place then, because Theodosius had died the previous year!' The answer is not to deny the infuriating contingency of history, but rather say: 'Possibly not in 451. But the pressures to *try* for a deal around this period would, even at political risk, have been increasingly intense on *any* emperor in order to reduce tensions with Rome, for example, or to stop the patriarch of Alexandria, Dioscorus, and his allies both in Egypt but also elsewhere in the empire, for example, from getting even further above themselves.' Similarly Baroness Thatcher, a prime minister with minimal sympathy for Irish Nationalism, when faced with a deteriorating internal situation in Northern Ireland and external pressures from Washington, was persuaded to embark on a negotiation leading ultimately to the 1985 Anglo-Irish Agreement.

It is equally plausible to see the usurper Basiliscus, or his eventual vanquisher, Zeno, as politically driven by the need to consolidate their weak positions within the empire by taking doctrinal initiatives, at the predictable cost of antagonizing the papacy, whose hostility to emperors pronouncing on doctrine, even when backed by a patriarch of Constantinople, was well known. For example, when Basiliscus saw that his Miaphysite encyclical, repudiating Chalcedon, was counterproductive owing to the domestic Chalcedonian backlash it provoked, he swiftly withdrew it.³³⁴ That both were still prepared to

³³³ Evagrius, *EH* 2.2, with Whitby's note on pressures on the emperor. *NVal.* 15 (445) for Western financial problems.

³³⁴ Evagrius, *EH* 3.7.

take such initiatives demonstrates the priority both gave to *domestic* political imperatives and keeping the East broadly onside.

Ecclesiastical conflict and its mediation—Justin I and his successors

Our hypotheses also hold when tested against the events of the reigns of Justin and his nephew, Justinian. Both, especially the latter, display tactical flexibility; but their strategy remains remarkably constant. Formulated in preparation for the Second Council of Constantinople in 553, Justinian's letter summarizes an ecclesiastical strategy, from which, despite setbacks and ultimate failure, he never wavered throughout his reign:

When in his mercy the Lord God entrusted the governance of the state to me, I made it the starting point and basic principle of my rule to join together the divided priests of the holy churches of God from the East to the West.³³⁵

We have no reason to detect a lack of coherence in the emperor's religious policies: that some have thought otherwise seems to reflect, beyond the inexperience of diplomatic processes or the wider geopolitical context we suggested earlier, the 'confused and inconsistent' criticism of Justinian's reign in the ancient sources.³³⁶ Nor should we assume that because the dialogue did not succeed, Justinian had already concluded it could not succeed, even before Constantinople II. On this view, his objective was, certainly by the time of the 'Three Chapters' controversy, the lesser one of demonstrating that the wider church was not 'Nestorian', and that there was no justification for Miaphysites in now setting up a schismatic church of their own. Acceptance of Chalcedon had always been, and remained, the stumbling block, even in 571 after Justinian's death. We scarcely need Leontius of Byzantium, the probable sixth-century author of the *On the Sects*, to remind us of this.³³⁷

But Justinian—and his successors—pressed on, at great and predictable cost to his relationship with Rome and the Western churches, with trying to overcome that problem, rendered now even more difficult following the establishment from 553 onwards of a Miaphysite church. This is exactly as he claimed to be doing in the letter just cited, and in the first paragraph of *On*

³³⁵ *Letter to First Session of Constantinople II*, Mansi, ix, col. 385. Cf. Justinian in 519 (*Coll. Avell.* 216) urging the cause of the Scythian monks in order to preserve the 'peace of the holy churches' (*pax sanctorum ecclesiarum*). Similarly, *Coll. Avell.* 147, 191.

³³⁶ Allen (1981), 206–7.

³³⁷ Leontius of Byzantium, *On the Sects (de sectis)*, PG 86A. 1237 CD. (The work has also been attributed to the 8th-cent. polemicist Theodore Abu-Qurra, or the early 7th-cent. theologian Theodore of Raithou.)

the *Orthodox Faith*.³³⁸ Procopius, in his panegyric *Buildings*, even went so far—in a panegyric—as to assert that the emperor had succeeded:

Finding that the belief in God was, before his time, straying into errors and being forced to go in many directions, he completely destroyed all the paths leading to such errors and brought it about that it stood on the firm foundation of a single faith.³³⁹

It remains striking how closely the ecclesiastical initiatives of Justinian and the two Justins, like those of their predecessors, correspond with their secular political imperatives. A few examples must suffice. Neither Justin I nor even Justinian became emperors in easy circumstances. The former was a 'compromise candidate' who emerged from a disputed 'selection process' in which army units, the factions, Anastasius' relatives, and substantial bribes were all involved, while Justinian's own climb to power was steeper than generally assumed.³⁴⁰ Justin had taken power after his predecessor had nearly foundered in his efforts to maintain a balance between the competing 'orthodoxies' of his empire. In addition, the atmosphere had been recently soured further. Around 493, Pope Gelasius had sent a headmasterly rebuke to Anastasius, reminding him of the 'sacred authority of the bishops' and *their* responsibility for doctrinal matters, which was to remain fundamental to Roman policy thereafter.³⁴¹ Next, there was Anastasius' addition of the controversial, because 'Miaphysite' (and Theopaschite), clause—'who was crucified for us'—in the *Trisagion* in Hagia Sophia. This had provoked uproar in 512 because, by attributing suffering to *God*, it was offensive to mainstream Chalcedonian opinion. In Vitalian, meanwhile, defeated but not crushed, there remained a champion of Chalcedonian orthodoxy in arms.³⁴² Against such a background, therefore, it is unsurprising that the new emperor so speedily endorsed the *Libellus* of Pope Hormisdas, though not all the papal legate's suggestions, despite correctly anticipating it would antagonize many Eastern bishops.³⁴³ For Justin's *immediate* problems were domestic: in his capital and in the camps of Vitalian. Hence orthodoxy—even harassment of Miaphysites—was the prudent option, even while he and Justinian, the latter more forcibly after a change of mind, worked for the acceptance, as compatible with Chalcedon, of

³³⁸ *On the Orthodox Faith*, in Price (2009c), i. 129–59.

³³⁹ *Bldgs.* 1.1. The date of the *Bldgs.* remains controversial, though no one puts it before 554. The arguments are summarized in Bell (2009), 92.

³⁴⁰ *De caerimoniis* 1.93. Evidence reviewed in Vasiliev (1950), ch 1. Ch. 6 here for details of his accession and what this reveals about elite conflict. For Justinian, Croke (2007), 12–56.

³⁴¹ *Coll. Veronensis* 8.20.

³⁴² He was bought off in Justin's reign by being made 'Commander of the Soldiers in the Presence' (i.e. in the capital), (*magister militum in praesenti*) and in 520 *consul*. *PLRE* ii. 1174–5. He was later murdered. See Ch. 6.

³⁴³ Justin to Hormisdas: *Coll. Avell.* 192, 208. Frend (1972b), 237. Menze (2008, esp. ch. 2). Sotinel (2005) also brings out subsequent growing imperial toughness cf. *Coll. Avell.* 235.

'Miaphysite-friendly' Theopaschism and against the controversial removal of (Miaphysite) names from the diptychs.³⁴⁴

Equally unremarkably, Justinian also acquiesced in Chalcedonian orthodoxy on his accession, as well as initiating measures against Pagans and other deviants, including heretics—though *not* of mainstream Miaphysites until 537 (JN 42)—of a kind likely to be welcomed by *all* Catholics.³⁴⁵ (We saw from the chanting of 533 in Constantinople that Miaphysites remained a significant presence there, and so not to be antagonized unnecessarily, given the ruinous events of the previous year.³⁴⁶) More important in the longer term is recalling that Justinian's first priority in his earliest years was keeping his throne: the Nika Riots, the strength of opposition in senatorial circles whose power and influence radiated throughout the empire, the latent appeal of the nephews of Anastasius—all demonstrate the fragility of his ascendancy.³⁴⁷ He could not, therefore, ignore the East where war with Persia continued, affording still further grounds for the sensitive handling of Miaphysites there. It is not surprising, faced also around then with the first Miaphysite ordinations in the East, that the period 530–1 marks the first phase of 'ecumenical' negotiations in his reign, beyond his earlier 'Theopaschite' lobbying. In other words, both Justin and Justinian sensibly gave priority to securing their base, before reaching out to dissidents.

After his initial opposition, Justinian had campaigned since before 520 for 'Theopaschite' doctrine when he saw its potential for building bridges with Miaphysites. He had urged the pope, in a letter showing sensitivity to both religious ideology and realpolitik, to make a gesture to Miaphysites 'lest, while we wish to win souls, we should lose both the bodies and souls of many persons'.³⁴⁸ He clearly felt strong enough by March 533, the Persian War (temporarily) over, the Nika Riots survived, to issue several doctrinal documents, including an exchange with Pope John, to establish his credentials with Rome (and Chalcedonians).³⁴⁹ These are of a ruler setting out to free the West

³⁴⁴ Justin to Hormisdas *Coll. Avell.* 232; J. to same, *Coll. Avell.* 196.

³⁴⁵ *CJ* 1.5. (*de Haereticis et Manichaeis et Samaritis*) 5, 10, 12. The first (a re-enactment of Theodosius and Valentinian) targets c.33 named heresies, including Apollinarians; the second (Leo) focuses on 'heretics' generally, Manichaeans and Samaritans; the third (Justin and Justinian), on 'heretics', Manichaeans, Hellenes, Jews, and Samaritans. Such condemnations, including of Apollinaris and Eutyches (*CJ* 1.5.8, Valentinian and Marcian), combined with praise of Cyril, may have been welcome to 'moderate' Miaphysites like Severus, while John of Ephesus, in *Ps.-Dionysus of Tel Mahre* (22–37), contrasts Justinian with the alleged cruelties of Justin. Moreover, the Procopius of the *SH*, no slouch at attacking the emperor, confines descriptions of Justinian's operations against heretics to smaller groups such as Montani and Sabbatiani and the financial motives allegedly involved (*SH* 11.13–24).

³⁴⁶ See Sect. 2.

³⁴⁷ *Wars* 1.24; more generally, see Ch. 6.

³⁴⁸ *Coll. Avell.*, Ep. 196; Frend (1972b), ch. 6, for details of the negotiations between Rome and Constantinople.

³⁴⁹ *CJ* 1.1.6, 7, 8.

from heretical rulers—but without alienating Miaphysites. However, all this material must be read *politically* and the original target audiences in each case remembered. When this is done, the relevant texts in the *Justinianic Code* 1.1.6–8, *read as a whole*—though drafted individually with those different audiences in mind—reveal the precariousness of this balancing act and how difficult it is to be all things, theologically speaking, to all men. Thus, the affirmations in the original edict (in Greek, *not* addressed to Rome) are strongly Theopaschite.³⁵⁰ In particular, both this edict and the later and virtually identical edict of 533 make it as clear as the drafters dared, that *God* suffered:

Our Master Jesus Christ, the Son of God and our God, who was made flesh and became man and was crucified, are one of the consubstantial Trinity.³⁵¹

Note too, how all these texts avoid, though they do not contradict, the ‘two nature’ language espoused at Chalcedon. They are no less carefully specific about Christ’s unity. Thus, the *Justinianic Code* 1.1.8, even though specifically written for the Pope’s benefit, can again come very close to Theopaschism—even Miaphysitism—when it writes (*CJ* 1.1.8, 18), while also echoing the *Tome*, of ‘acknowledging the miracles and sufferings, which He sustained voluntarily in the flesh, were of the same person’.³⁵²

Anything more explicitly Theopaschite the Pope would probably have felt incapable of confirming, as he in fact did, ‘by our authority’ (*nostra auctoritate*) (1.1.8, 6). That is probably why, *read in its entirety*, *Justinianic Code* 1.1.8 is Chalcedonian. Its ‘Theopaschite’ language is later balanced in the way, for example, that ‘Unionist’ language is carefully balanced, sometimes only after many pages, by corresponding ‘Nationalist’ language, and vice versa, in the Belfast Agreement. For *Justinianic Code* 1.1.8 also explicitly talks, in contrast to the edicts, of Christ’s being ‘capable of suffering in the flesh . . . incapable of suffering in his divinity’ (*passibilem carne . . . impassibilem deitate*) (*CJ* 1.1.8, 12). It also affirms Chalcedon in terms, as does *Justinianic Code* 1.1.7 addressed to Epiphanius, patriarch of Constantinople. Just how risky were Justinian’s tactics at this critical juncture can be seen by the way in which saying different things to different audiences—and being caught out—damaged the credibility of the British administration after the secret exchanges with Sinn Féin towards the end of John Major’s government were leaked. Justinian, however, got away with it.

We can also judge imperial priorities (and tactics) from how the regime adapted its approach in a crisis. In November 533, the month of the

³⁵⁰ *CJ* 1.1.6, 5–6. Secondary authorities, including Frend (1972b), 267, do not address these texts as a whole.

³⁵¹ *CJ* 1.1.6; *Chron. Paschale*, a. 533.

³⁵² *Eiusdem miracula et passiones, quas sponte carne sustinuit, cognoscentes*.

Miaphysite chanting after the earthquake, when the regime was still faced with a 'legitimation crisis' post-Nika, the *Easter Chronicle* describes the emperor as reissuing his 'Theopaschite' edict, essentially unchanged from the form in which it appeared in *Justinianic Code* 1.1.6.³⁵³ Copies were, however, sent now to Jerusalem, Antioch, Alexandria, Thessalonica, and Ephesus—and, for the first time to Rome.³⁵⁴ The *Chronicon Paschale* does not explain why the emperor chose to 'bounce' Rome thus—at the risk of antagonizing the pope, whom both Justin and Justinian normally and prudently strove to keep onside. The emperor's boldness, however, may reflect the relative weakness of John II, whose contested succession had resulted in charges of simony.³⁵⁵ (For example, Justinian's later treatment of Vigilius may seem high-handed, but the pressure he applied to ensuring the pope supported his initiative over the 'Three Chapters'—as opposed to anathematizing him—shows the importance he attached to preventing any repetition of schism, and the need to be tough with Rome when necessary.³⁵⁶) Nor do we learn from the *Chronicle* why the second Theopaschite edict contains no 'balancing' reaffirmation of Chalcedon.³⁵⁷ However, such a gamble—above all in moving on a doctrinal matter without prior papal approval, and reaffirming a doctrine that arguably ran counter to that which the pope had approved in *Justinianic Code* 1.1.8, 12—shows both Justinian's perceived continuing political vulnerability in November 533 and the priority, in a hard place, he gave to his *domestic* concerns.³⁵⁸

We can happily go with those moderns who represent 531–6 as a period when intra-ecclesiastical relationships were warming and 536–8 as one of breakdown, following the visit of Pope Agapetus to Constantinople in 536, leading to the 'Chalcedonian' *Novel* 42 of 537; this denounced, for the first time in legislation, a range of Miaphysite heretics, including Severus, but also the deposed patriarch of Constantinople, Anthimus.³⁵⁹ Yet some modern

³⁵³ For (minor) differences, including mistakes, between the two, see Whitby and Whitby in *Chron. Paschale*, 131 n. 375.

³⁵⁴ Ch. 6 for 'legitimacy' in 6th-cent. politics. *Chron. Paschale*, 533, reports that he had already sent his Theopaschite Edict in March that year—i.e. *before* the earthquake and its religious reaction—to the people of Constantinople, Ephesus, Caesarea, Cyzicus, Amida, Trapezus, Jerusalem, and Apamea, Iustinianopolis, Theoupolis (=Antioch), Sebasteia, Tarsus, and Ancyra. See Whitby and Whitby's helpful comments *ad loc.*, not least on chronology.

³⁵⁵ Cassiodorus, *Variae* 9.17.

³⁵⁶ For Justinian's toughness, this time with Hormisdas, see e.g. *Coll. Avell.* 235. That he was prepared to run such risks in the 550s shows the importance he still attached to winning over the Miaphysites.

³⁵⁷ As in *CJ* 1.7.11, 1.8.19.

³⁵⁸ 'Arguably' because, although there is no doubt that the language of the edicts and *CJ* 1.1.8, 12 is targeted at different audiences, neither formulation explicitly contradicts the other. A skilled theologian-diplomat could argue their essential compatibility.

³⁵⁹ e.g. Frend (1972b), 269. For a triumphalist (Roman) account of Agapetus' visit: *Liber Pontificalis: Agapetus*.

writers fail to relate this change of emphasis either with the strength of Agapetus' negotiating position—some even misrepresent the pope as a refugee from the Gothic king—or to the emperor's increased need for his support, given the turn the war in Italy had taken: the Goths had recaptured Rome in 536; the emperor also needed to consolidate his position in newly reconquered Africa, whose clerics were generally unsupportive.³⁶⁰ The pope could also exploit vociferous support from Eastern Chalcedonians. All this renewed the premium on close relations with the papacy.³⁶¹ Put differently, Justinian was badly placed to challenge the Roman claim to define doctrine or defend his conception, set out in *Novel* 6 (535), of the emperor's legitimate concern 'with the true divine teachings'. He was obliged to accede to the removal of the patriarch of Constantinople, and sign a profession of faith with the pope, restating the faith of Hormisdas, as set out in his *libellus* and the *Tome* of Leo (which latter was also enshrined in the Acts of Chalcedon).³⁶²

Fortunately the absence of a threat from the East, following the 'Eternal Peace' with Persia of 532, ~~later~~ the suppression of serious (and debilitating) intra-Miaphysite violence in Alexandria in 536/7, meant Justinian could concentrate on winning the West—at the cost, however, of aborting any short-term hope of rapprochement with the Miaphysites with whom negotiations had been going promisingly, and which even Pope Agapetus' unhelpful intervention did not wholly kill.³⁶³ But that is politics. By 541, however, Justinian felt able to restate the 'orthodox' faith at length for the monks of Alexandria, not least by attempting to prove that Chalcedon was faithful to the 'God-beloved' Cyril.³⁶⁴

However, the resumption of war in Persia in 539, the sack of Antioch the next year, only to be followed by the first outbreak of plague in 542—all required a reassessment of priorities.³⁶⁵ They not only required resolute action if the emperor was to demonstrate that he was indeed God's vicegerent on earth; they also meant that the search for a durable compromise with the Miaphysites (and Eastern stability) was again a high priority, in terms which are inseparably political and religious. It gives added reasons for setting the consecration, in 541, of Theodore as bishop of the Ghassanids, whose loyalty was essential for the defence of the East, and of Jacob Baradaeus as titular bishop of Edessa in this geopolitical context, rather than seeing it as

³⁶⁰ Sotinel (2005) characteristically and helpfully gets the facts right.

³⁶¹ Frend (1972b), 271–2; van Rompay (2005), 246. This shows *domestic* pressures on the emperor also.

³⁶² Sotinel (2005), 278.

³⁶³ As Price and Gaddis (2005) recognize. John of Nikiu, 92, for intra-Miaphysite conflict in Egypt. For continuing dialogue with Miaphysites, Gray (2005), 247.

³⁶⁴ Justinian, *Letter to the Alexandrians*.

³⁶⁵ Symbolized by the recall of Belisarius from Italy in 540, and his posting to the Eastern front until 544.

Theodora's meddling.³⁶⁶ What is more remarkable is that these ordinations were carried out by the former Miaphysite patriarch of Alexandria, Theodosius, then 'exiled' in *Constantinople*—which remained the Miaphysite powerhouse in these years—while leading Miaphysite bishops were in exile in nearby Thrace. (It would be no less bizarre to discover that Trotskyite fugitives from Stalin had taken refuge on the other side of Red Square from the Kremlin.) It further suggests, along with the presence of other religious 'refugees' in the palace of Hormisdas, near to the Great Palace itself, and the respect with which John of Ephesus reports the emperor cultivated them, that whatever we believe about the rigour of Miaphysite 'persecution' over the previous decade, we must not underestimate the emperor's determination not to close off irrevocably the possibility of reconciliation—and, pending that, for influence and surveillance, whatever he might also say or do to keep Rome sweet.³⁶⁷

We should interpret what is often portrayed as Miaphysite scheming by Theodora in this context. Since much of this was apparently done with Justinian's knowledge,³⁶⁸ we should better see it as an effort to keep lines of communication with the Miaphysites open. Just as John the Cappadocian's patronage of the Greens may be regarded, from Justinian's perspective, as ensuring that, via his principal minister, he could exert control over the 'other' faction,³⁶⁹ so can Theodora's patronage be regarded as constituting a 'back channel' to dissidents, from which the emperor could publicly distance himself. (An analogy would be the secret exchanges, already noted, that took place between the UK government and Sinn Féin/IRA during the early 1990s, when the then prime minister, John Major, was on public record as refusing to talk to Republicans while violence continued.) Procopius and Evagrius both suspected the imperial couple of being a 'double act', while Menze's demolition of the case for seeing Theodora as 'the Miaphysite empress' strengthens both his and Foss's view that she was—though neither employs the term—the 'minister for the Miaphysites' who, by patronizing them, kept them from more extreme courses.³⁷⁰

We have seen how later developments in the reign, notably the saga of the 'Three Chapters' from 543 to 553, show Justinian continuing to play a high-risk strategy. In this, Justinian had condemned writings of three dead theologians, Theodore, Theodoret, and Ibas. All had been 'rehabilitated' at

³⁶⁶ So J. A. S. Evans (2002), 95.

³⁶⁷ John of Ephesus, *LOES*, PO 18.4, 676–87 for the concourse of 'exiles' in Constantinople. For the bishops in Thrace (Derkos): Frend (1972b), 288. One must not exclude John's motives for emphasizing such charitable behaviour by the emperor: John too was trying to avoid a permanent breach, from which he would have much to lose.

³⁶⁸ Averil Cameron (2000).

³⁶⁹ John the Lydian, *On Magistracies* 3.62.

³⁷⁰ SH 1.13–14, Evagrius, *EH* 4.10. Menze (2008), 221ff. Foss (2002b).

Chalcedon, but remained objectionable to Miaphysites. For this, his immediate reward was the hostility of the Western Church for whom—irrespective of the merits of the three theologians—such condemnation could be seen as reneging on Chalcedon and as the emperor's exceeding his authority in religious matters. Justinian also received kindly advice from the African bishop, Facundus of Hermione, that he should avoid theological discussions, lest he suffer the same fate as the Hebrew king Oziah (2 Chronicles 26:16ff.): he had presumed to place incense on the altar, the responsibility of priests, and contracted leprosy as a punishment.³⁷¹ This saga culminated in the Council of Constantinople II in 553, the approval of whose Acts had required the kidnapping in Rome, now back in imperial hands, and the pressurizing of the equivocating pope, Vigilius.³⁷² But these events support, rather than subvert, our arguments about imperial strategy: they demonstrate how Justinian *still* sought, through the politic condemnation of the authors of the 'Three Chapters', and various doctrinal formulations with a Miaphysite flavour,³⁷³ to achieve his strategic goal of East–West unity. He failed. He found no greater success in the West. Although he had been Justinian's nominee as bishop of Rome, Vigilius' successor Pelagius felt able to reaffirm Chalcedon and the 'Three Chapters', when installed as pope in 556. Rome (and the West) was thus 'lost' without the Miaphysites of the East being reconciled.

Worse still, Justinian had also to endure what he failed to thwart: not least, the success of the missionary endeavours of Jacob Baradaeus from 542 to 578. Whether he actually made 100,000 converts or ordained some thirty bishops³⁷⁴ is less important than his creation of a new Miaphysite church between Constantinople and Jerusalem, compounding earlier missionary work of John of Tella and John of Amida, now titular bishop of Ephesus. Once two rival, hostile 'Churches' existed, translating theoretical into institutional agreement became even harder.³⁷⁵ Moreover, the emergence of rival and intolerant sects within the Miaphysite tradition made the selection of a reliable negotiating partner—and one capable of delivering—more difficult for the government. In theoretical terms, we should see this as the hardening of group identities, intensified by some renewed persecution after 537, and the 'construction' of the Miaphysite tradition by such as John of Ephesus.

The efforts of Justinian's successor, Justin II, to promote reconciliation reveal similar patterns.³⁷⁶ Thus the conference at Callinicum in 568 illustrates

³⁷¹ Facundus of Hermione, *In Defence of the Three Chapters* 12.3, PL 67.527–878.

³⁷² Later developments: Frend (1972b); Allen (2000); for Constantinople II, *The Life of Eutychius*, on which Averil Cameron (1988, 1990). Above all, Sotinel (2005), who has no pro-Roman agenda to grind.

³⁷³ Daley (2008), 887–9.

³⁷⁴ John of Ephesus, *LOES*, PO 18.49, 488–95.

³⁷⁵ Also Averil Cameron (2000), 77ff.

³⁷⁶ Averil Cameron (1981a); Allen (2000).

a continuing imperial determination to halt the widening schism; it also reveals a possible compromise between the *leaderships* of both sides—as did later the readiness of John of Ephesus and Paul of Antioch to take communion in Hagia Sophia from the patriarch John. The beautifully drafted formula on offer at Callinicum confessed Christ ‘out of’ (*ek*)—not the Chalcedonian ‘in’ (*en*)—two natures, one ‘subject’ (*hypostasis*) and one person (*prosopon*).³⁷⁷ The bishops and officials seemed finally to have cracked it by their diplomacy and drafting. But the monks would not have it. This may reflect a ‘culture gap’ between Syriac and Greek speakers, and the impatience of the former with definitional subtleties.³⁷⁸ But it is also part of a broader pattern of the doctrinal intransigence of large-scale monastic communities after Chalcedon, evident in Constantinople (*Akoimetæ*), Jerusalem (*Sabaïtes*), and Alexandria (*Akephaloi*). It also reflects our understanding of the way that groups, here monks, tend collectively to develop shared positions which may well be intransigent.

Again, the studied ambiguities apart, what was *not* said—*no* condemnation of Chalcedon *or* the *Tome* of Leo; *no* clear statement of one nature—was more important than what it did say. Similar omissions seem to have scuppered Justin II’s later, no less carefully drafted edict of 571.³⁷⁹ As we know from the Northern Ireland Peace Process, it is not enough for *leaders* to agree; they must be able to deliver supporters whose identities, like those of monks, are bound up with the terms used in the proposed agreement.

CONCLUSIONS

Socrates, we saw, likened theological debate to a battle in fog where it was hard to tell friend from foe.³⁸⁰ Nevertheless, important features for our model—of continuing relevance—emerge through the mists. Hence our comparisons with the Northern Ireland Peace Process. (We could easily add parallels from the continuing internal Anglican conflicts over homosexuality or women bishops, compounded by Roman opportunism.³⁸¹) For there is much that is curiously modern about the structure and dynamics of the chief religious conflict of late antiquity. We find this in the political search by multilateral negotiation and painstaking drafting, often under intense governmental pressure on the

³⁷⁷ Michel the Syrian, *Chron.* 10.2.

³⁷⁸ Brock (1998), 708–19.

³⁷⁹ Evagrius, *EH* 5.4.

³⁸⁰ Socrates, *EH* 1.23.

³⁸¹ Bates (2004) for parallels: disputed texts, well-organized lobbies, intemperate language, regional divisions—and a leadership, who, like Justinian, was ‘desirous of calling the holy churches back to concord’ (*Coll. Avell.* 147).

part of the leaderships of the groups in dispute, for widely acceptable compromises on issues of passionate concern and central political importance for which many thought there was a right or true answer. We also see it in the way intellectual, emotional, and political strands of a single conflict are inseparably interconnected, at all levels of society and throughout the empire, without being reducible one to another.

More specifically, the analysis, in terms of group processes, helps us understand the complex structural features of the group conflicts involved in both church and factional disputes. These warn us not to overemphasize the 'intellectual' or 'cognitive' elements in such conflicts, notwithstanding the volume of theological rhetoric deployed. For other factors—most obviously, the political commitments or the emotional and psychological allegiances of the members of each group—were also powerfully at work. We were also able to use contemporary conflicts, in Northern Ireland and football, for instance, combined with our assumption of human nature as a 'constant' in history, to give focus to our analysis of ancient disputes. They reveal the 'family resemblances' of the groups involved: how both articulated important social identities, not least through 'sloganeering' (which includes attachment to, or detestation of, specific credal formulae such as the Chalcedonian affirmation or the praises of Greens or Blues—even the factions slagged off their rivals in religious language as heretics of one kind or another); both displayed distinctive collective social behaviours; both also related to, even came to play important parts in, the power structures and political dynamics of the wider society; they also satisfied a range of emotional needs for their respective supporters. They both also cut across social class, even promoted social mobility—yet generally left members of the elite in charge, whether as bishops or factional patrons. Yet both could pose—we noted factional examples in the Nika Riots and the troubled reign of Phocas; we saw the Christians killing each other in Antioch or Alexandria, and nearly forcing Anastasius off his throne in 512—great problems of political management for emperors.

Ecclesiastical conflict was, however, on balance—and it is a very hard call—dysfunctional compared with the factions. Both usefully harnessed (although they sometimes also unleashed) visceral passions; both integrated members of lower classes into the wider society; both provided new group identities, transcending civic and provincial boundaries, in a period of major social change. Both helped reduce the potential for class conflict. Both revolved, in public, around definitions of minimal intrinsic significance (although, in the ecclesiastical case, the slogans were shorthand for intellectual complexities that most of those who spouted them almost certainly did not understand) as older loyalties weakened in the late empire. It was rather that ecclesiastical conflict was intrinsically political, given the power of key players and the centrality of

the churches in the wider imperial ideology and polity, as the factions were not. And, although theology may have been of secondary importance compared to the group identities which theological discourse promoted, religious conflicts subverted a key element in the imperial ideology of religious conformity and, potentially, allegiance to the Roman emperor.

Part III

Ideological Conflicts—Their Mediation and Management

Ideological Conflict in the Reign of Justinian I

It is not the consciousness of men that determines their being, but . . . their social being that determines their consciousness.

Marx, *A Preface to the Critique of Political Economy*

It is no longer a novelty to hold that societies have characteristic discourses or 'plots', or that the development and control of a given discourse may provide a key to social power, or even that an inquiry into the dissemination of knowledge by oral or written means ought to be high on the agenda for historians.

Averil Cameron, *Christianity and the Rhetoric of Empire*

'CULTURE WARS'

The rest of this book addresses ideological conflict, its management, and its mediation in the sixth century; we have already seen one example in the split between Chalcedonians and Miaphysites, and imperial efforts to produce church, and with it wider imperial, unity. This chapter focuses on *systemic* ideological issues affecting the empire as a whole. So, Section 1 explains what is understood here by 'ideology'; in Section 2, we review evidence for ideological continuity, conflict, and change—and extreme cultural complexity. Then, in Section 3, we examine the remarkable persistence of 'Paganism', notwithstanding the consolidation of Christianity, addressed in Section 4, as the 'hegemonic ideology' of the empire 'which allowed no room for dissent'.¹

¹ Averil Cameron (1985), 223.

SECTION 1—IDEOLOGY AND ITS IMPORTANCE

What is 'ideology'?

We posited 'ideology', comprising shared social meanings, norms, and cultural (including religious and aesthetic) practices, as a key variable in Chapter 2, when drawing up our schema for social analysis. But out of an ever-widening range of possible approaches, we might, for example, have drawn instead on the concept of 'discourse', pioneered in respect of antiquity by Michel Foucault or Averil Cameron, to analyse the intellectual, religious, and cultural transformations of the sixth century.² We could have exploited the social anthropological approaches of, for instance, Clifford Geertz or Benedict Anderson,³ with the former treating cultures as 'texts' embodying shared meanings understood by their participants, and the latter emphasizing the 'narrative construction' of social identities, including of appropriate histories, through language and discourse. Or we might have followed Durkheim in talking of the shared recollection of 'facts', myths, norms, narratives—the *conscience collective*—binding together a society, especially one where religion played a fundamental role, 'because the idea of society is the soul of religion'—an observation which reinforces the need for caution in simplistic dichotomies between religion and, as so often, narrowly secular understandings of politics.

Such concepts as 'culture' and 'discourse' are important—we shall employ them. But they can mask the underlying political and economic power relationships and their beneficiaries at the core of our model in Chapters 2 and 3. Cultural analysis also risks losing touch 'with the hard surfaces of life', as in some recent sanitized accounts of the movement from a Pagan to a predominantly Christian empire.⁴ One can similarly criticize anthropologically influenced 'cultural history'.⁵ The Durkheimian approach may fruitfully illuminate the 'normative consensus' of a society at a particular time. But it neither comfortably accommodates the idea of conflict *within* a discourse of the kind examined in Chapter 4, where the antagonists shared, as Evagrius noted, vastly more of the Christian doctrine than they contested; nor does it address conflicts *between* competing discourses (of, say, Christianity and 'Hellenism'/Paganism).⁶ Moreover, it neither clearly relates to the wider social

² Foucault (1979, 1985, 1986) on antiquity. On power more generally, Foucault (1970, 1972), and Averil Cameron (1991), whence the epigraph to this chapter.

³ e.g. Geertz (1973), esp. chs. 1, 8; B. Anderson (1991).

⁴ Geertz (1973). For a persuasive challenge to predominantly Anglo-Saxon views of a non-violent transition, whether in physical or ideological terms, see now Athanassiadi (2010) which arrived too late to be taken fully account of here.

⁵ Burke (2004), *passim* for examples.

⁶ Evagrius, *EH* 1.11.

and economic structures of our society nor easily explains how such *consciences collectives* are generated.

The concept of 'ideology', however, transcends these limitations. But it is neither innocent nor uncontested; there is much in the tradition we should disregard: for example, ideology as pertaining only to capitalism; or as something narrowly and mechanically determined by the 'economic base' of a society; or as a pejorative description of complexes of ideas of which a writer disapproves, believing themselves free of ideology.⁷ But the tradition contains important living elements: above all, the concept of an ideology as a set of (often wide-ranging) ideas, which 'reflect and advance the aims and interests of significant social groups with the aims of justifying, contesting, or changing social and political arrangements'.⁸ (Religions fall under this definition, despite injecting an idea of the divine and even sometimes seeming to regard earthly social arrangements as of secondary importance.) For our period, such groupings include not only classes (or parts of classes and status groups), but churches, provincial notables, or the service aristocracy. Ideologies also provide numerous 'services' for their holders, including those of legitimation, integration, socialization, and action orientation more generally. They can also allow dissimulation and concealment, thereby facilitating power, including the power by their upholders to dominate and exploit—as in Gramsci's idea of a 'hegemonic' ideology, which safeguards the power of a dominant class, as it becomes accepted by subordinate social groupings, by naturalizing their own socio-economic dominance through the cultural sphere.⁹ Nor should ideology necessarily be confined to sets of political ideas, social symbolism, or values, and their theoretical justification; it can be seen as embodied in social practices: for example, religious worship, sport, marriage, lifestyles.

Althusser also came to see ideologies, along with political and legal institutions, as enjoying 'relative autonomy' from the economic base on which they ultimately depend, although they interact with it.¹⁰ (For example, a new religion may disrupt both previous power *and* ideological structures; law may both reflect *and* modify social and economic practice.) We can, therefore, confidently talk about ideological competition and conflict, involving significant social groups, like the early Christian churches, which compete on the level of ideas (but not only of these) with the aims of justifying, contesting, or

⁷ The literature, starting with de Tracy (1803), is enormous. There is now a Centre for Political Ideologies at Oxford, the work of whose director has influenced my approach: Freeden (1996 and 2003). Freeden (2003), 7–10, for unsatisfactory meanings of 'ideology', including those above.

⁸ Freeden (2003).

⁹ Gramsci (1971), 12–13, 376–7. We shall primarily apply this concept to the ideology of the 6th-cent. emperor and *Christian* upper classes, rather than of their declining Pagan rivals.

¹⁰ Althusser (1984), *passim*; also (2001).

changing prevailing social and political arrangements, including the values of a political community.

As to the generation of (competing) ideologies, Pierre Bourdieu's contribution of the ideas of *habitus* and *symbolic violence* also offers a useful way of ordering our thoughts in the remainder of this chapter. The former is concerned with how structures and social practice are linked:¹¹ through the way in which agents improvise—in terms of their acquired dispositions of thought, behaviour, and tastes—their *habitus*, or social being. This *habitus* is, however, only to be understood in terms of a social background and social structures, of whose origins individuals may well be unaware. Such shared ideas and practices may coalesce into the shared ideology of a group, with all the bonding and sense of group identity this may entail. This amounts to a richer reformulation of Marx's point that 'men make their own history, but not under conditions of their own choosing'.¹²

Bourdieu uses *symbolic violence* to describe how the culture of a ruling class is transmitted and imposed, not least through education—for late antiquity, *paideia* (but increasingly modified, or supplanted, by Christianity)—on subordinated groups; the latter in turn are required to recognize it as legitimate, and their own as in some way inadequate, or even illegitimate. In Western democracies, this elite is ostensibly meritocratic and hence, given contemporary values, legitimate; its membership is secured primarily, in France, through rigorous education in the *grandes écoles*, the *grandes portes* to membership of the elite. These institutions are open to all—even though access to them is skewed in favour of the French upper classes, who know how to work the system, not least by ensuring their progeny have the necessary intellectual training to meet their stringent entry requirements. In his examples, Bourdieu concentrates on contemporary France, though his theoretical underpinning and conclusions are more widely applicable: to the United Kingdom, for instance—think public schools and Oxbridge; or to the kind of pre-industrial societies mentioned in Chapter 1, such as the later Roman Empire. Here the ruling class was marked out by a distinctive rhetorical and literary education that went beyond mere literacy and numeracy and embraced social behaviours, even as it was increasingly supplanted or transformed by the new Christian ideology.¹³

Combining these ideas with the concept of ideology, we have a working framework for understanding what we learn of a society's evolving cultural beliefs and practices, the shared (*and* conflicting), partly inherited norms and

¹¹ Bourdieu (1977), 78. His *Outline* summarizes the core of his thinking: R. Jenkins (2002). The processes by which social innovations become 'social facts' and social reality 'constructed' for succeeding generations are described more accessibly in Berger and Luckman (1967).

¹² Marx, *The XVIII Brumaire of Louis Napoleon* (1851), in Marx (1977), 302.

¹³ Bourdieu (1996).

cultural meanings within it. We can see how one ideology, that of a ruling class, their associates, and others whose interests it serves, may gradually become 'hegemonic', not least perhaps through 'symbolic violence' although actual violence must not be discounted. It achieves this through their promoting its acceptance by society at large—even by those whose objective interests it may not serve. In our case, this ideology was the (imperial) Christian one, which had been gathering momentum and power since the conversion of Constantine.¹⁴ A new *habitus* was thereby created even though it was, as we shall see in our period, still less all-embracing than many Christian writers sought, or admitted in public.

SECTION 2—IDEOLOGICAL CONFLICT, CONTINUITY, AND CHANGE

Opacity in the evidence for religious conflict

The repressive, even brutal, Christian character of the imperial regime had developed long before and during the sixth century, and for this Eusebius of Caesarea is our best surviving theoretician and advocate, whether in terms of 'political theology' or of sanctioning violence against the enemies of his concept of the Church.¹⁵ It is therefore hard to judge the residual strength of non-Christian ideological opponents. If one only took into account the surviving literature and monumental art, this had become an overwhelmingly Christian society, with ideological disputes largely confined within the dysfunctional Christian 'family'. But we would be foolish to deny the continuing importance of ideological conflict between Christians and Pagans.¹⁶ The profound and far-reaching tensions between 'rich' and 'poor' are similarly veiled: yet both the strains and sometimes open violence between the classes, whether religious differences were involved or not, surface in the writings of, for instance, Romanos, Agapetus, Leontius of Byzantium, and some saints' lives or, in the West, in those of the Ps.-Pelagius and Salvian, and what the legislation tells us about insubordinate peasants.¹⁷ We have already noted the

¹⁴ The 7th cent. would reveal the *internal* vulnerability of this hegemony, when the always potentially fraught relationship between liturgical Christianity and imperial claims to elevated, even quasi-priestly status was challenged: Runciman (1977); Dagron (2003).

¹⁵ So Athanassiadi (2010).

¹⁶ 'Pagan' is a late, pejorative Christian creation: Salzman (2008), 186–202. It is used here for convenience simply to denote 'non-Christians', irrespective of the wide range of their beliefs and practices, some shared with Christians. It is written with an initial capital letter to assert parity of esteem with Christians and other 'respectable' religions.

¹⁷ Chs. 2 and 3.

importance of the circus factions as an alternative outlet and, from the standpoint of the regime, a safety valve, for the passions of, amongst others, the less fortunate members of urban society. In Chapter 6, we shall see the importance the author of the *Dialogue on Political Science* prudently attached to keeping the lower classes 'onside'.

All such conflicts, however, with the only partial exception of the ecclesiastical, tend to be masked by governmental activism, repression, and propaganda; by the kind of generalized atmosphere of fear claimed by Procopius in the *Secret History*; by accidents of survival of our sources—even the quality of our manuscripts.¹⁸ For example, only one *overtly* Pagan mainstream history from the century, by Zosimus, survives in full.¹⁹ But we see its continuing significance from how its critique of Constantine's conversion and its harmful effects for the empire remained sufficiently influential—and offensive to Christians—for Evagrius to attack it nearly a century later.²⁰ Similarly Zosimus' claim, included 'to excite piety in all who hear of it', that Athene Promachos in person saved Athens in 394 from the Goth Alaric, appears all the more polemical once we recall that his *New History* was written when the cult of a new, Christian 'goddess'—that of Mary, the 'Mother of God'—was steadily gaining ground in Constantinople and more widely: we see, as it were, two virgin goddesses fighting it out for supremacy.²¹ The epithets *aportheton teikhos* and *skepe krataia* (an 'impenetrable wall' and 'a powerful defence' respectively), which both the Christian *Akathistos Hymn* and Romanos apply to Mary's alleged protection of Constantinople, apply equally to Athena's defence of *her* city, Athens.²² Other reasons for the lack of deviant materials include the greater likelihood that later Byzantine scribes could copy orthodox Christian writers.²³ More generally, dissidents lacked a voice, certainly one we

¹⁸ On the tense climate in which intellectuals had to write with caution: Averil Cameron (1985), esp. 21, and Chs. 1 and 6 here. Burning of books: Mal. 491. Torture etc. of Pagan intellectuals: John of Ephesus in Ps.-Dionysius of Tel Mahre, 76. All this in addition to the anti-Pagan measures documented in the law codes, Procopius, and elsewhere.

¹⁹ Zosimus, *NH*, written c.500. I cannot accept Croke's argument (in conversation) for earlier dating on the grounds that Paganism was effectively extinct by then. It wasn't. See Sect. 3. 'Overtly' reflects the probability that many *crypto*-Pagans were writing: Kaldellis (1997, 1999, 2003, 2004); Bell (2009). Hesychius of Miletus (d. after 582) wrote a, now fragmentary, world history from the Assyrian king Bel to the death of Anastasius (518), and a collection of biographies of Pagan men of letters (now lost) exploited by Photius and the *Souda*: Kaldellis (2005).

²⁰ *EH* 3.40–1. For Allen (1981), little more than a topos of anti-Pagan rhetoric. But she underestimates the strength of Paganism, even in the late 6th cent.

²¹ Zosimus, *NH* 5.6, with Ridley's note *ad loc.* Peltonmaa (2001), 113–14, argues that the *Akathistos Hymn*, traditionally dated to 626, and exalting the Theotokos and virulently scorning the Hellenic intellectual tradition, should be dated on theological grounds perhaps as early as the Council of Chalcedon (451). If so, the polemical character of Zosimus' work, effectively contradicting the new cult, is even clearer.

²² *Akathistos Hymn* 23.13; Romanos, *Kontakion* 1.23. Angelidi and Papamastorakis (2004).

²³ Although 'heretics' (e.g. Severus and John of Ephesus) survive in fragments in Syriac and Coptic, or underlie the treatments of later writers: e.g. the 12th-cent. Michael the Syrian.

can now hear clearly. As for defective manuscripts, even John the Lydian only survives in one poor manuscript, which breaks off before the downfall of his 'hero' Phocas, for him an event of great politico-cultural significance. Moreover, what he is often taken to be saying about the improving cultural climate of Justinian's reign depends on an implausible reading of his manuscript.²⁴ Worse mutilation reduces the (still great) evidential value of the *Dialogue on Political Science*.²⁵

Further obstacles to interpretation include: the influences on elite writers of genre and the classical tradition in both substance and presentation; deliberate distortion and evasion; the requirements of running an empire which might entail ignoring religious differences. The maxim 'Don't ask; don't tell' does not just apply, as it did until late 2011, to gays in the US military. This 'ideology of silence' was facilitated through the *paideia* shared by members of the elite, Pagan and Christian—including sometimes churchmen—which went further, in ordaining rules of behaviour, than simply inculcating literary skills.²⁶ As we must never, ever forget, an emperor had an empire to manage: if religious persecution risked proving politically or fiscally counterproductive, brakes could be applied. He would arguably be failing in his Christian duty as emperor to do otherwise! Lest tax returns suffered, for instance, Arcadius initially resisted a bishop's pleas to demolish the Marneion, a Pagan temple complex in the then rich city of Gaza, despite Pagan harassment of Christians—the notables were predominantly Pagan. Similar considerations help explain continuing temple worship at Baalbek in the wealthy and strategically significant Bekaa valley.²⁷

These considerations still counted in the sixth century. Nor does it follow that the littering of Christian commonplaces in Procopius' work entails his being a Christian, albeit one averse to Justinian's version of the faith, and strikingly so to religious persecution.²⁸ In the sixth-century climate, the *heterodox* statements may better indicate his true beliefs, while his personal 'credo', if theistic, is very far from that of a neo-Chalcedonian such as Evagrius²⁹—although apparently compatible with the apophatic theology embodied in Hagia Sophia and in his own warm response to it in his *Buildings*. More telling, however, is his apparent description of Christianity as 'a senseless doctrine' (*anoeton dogma*)—adopted by Samaritans, to protect themselves against religious persecution similar to that suffered by deviant Christians described elsewhere.³⁰ But it remains hard to get behind the classicizing style:

²⁴ John the Lydian, *de Mag.* 3.28; see n. 204 for my proposed amendment to his text.

²⁵ Bell (2009).

²⁶ P. R. L. Brown (1992, 1995) shows how this masked Pagan survival in late antiquity.

²⁷ See subsection 'Around the Eastern Mediterranean'.

²⁸ Averil Cameron (1996), ch. 7; Greatrex (2003).

²⁹ *Wars* 5.3.5–9; Evagrius, *EH* 1.11. Generally, Kaldellis (2004), ch. 5.

³⁰ *SH* 11.25. References to insincere conversions abound in the literature, including Procopius; even Justinian complains of it, when done in order to obtain high office, for which

whether it is, for example, the antiquarianism of John the Lydian (which caused a later patriarch, Photius, to question his Christianity),³¹ or in interpreting a culture in which Paul the Silentiary can write in 'Homeric' Greek and exploit the Hellenic intellectual tradition in praise of the same church (and regime) in which Romanos may well have excoriated both Homer and that same tradition.³² It is no easier to determine ideological shifts from an underlying classical to a Christian cultural paradigm (and praxis), or what social and political choices and conflicts underlay the styles they adopted—especially when both Agathias and Paul continue, even late in Justinian's reign, to write in classical metres on traditional and un-Christian erotic themes.³³ The same obliquity appears in both the 'classicizing' *Dialogue* and the Proem introducing Theophylact Simocatta's *History*.³⁴ Here the author restates traditional 'Hellenic' beliefs about the importance of 'reason', stressing its practical utility in technology, (Pagan) poetry, and history—notwithstanding his readiness to tackle religious topics. It remains unclear whether (or when) such ambiguities, or Menander Protector's casual assumption of traditional Greco-Roman Christianity, reflect further weakening of the classical tradition, thought adapted to an attempt to combine the best of both Pagan and Christian ideologies, deliberate ambiguity, or just a cultural complexity we can no longer penetrate *plus* the difficulty, too often passed over, of writing frankly about religion in a climate of fear, but in which Christian allusions might serve as an insurance policy. . . .³⁵

Talk of 'the classical form' can also mislead. There was no simple choice for writers between 'classicism' and 'non-classicism'. Compare three more-or-less contemporary writers on Helen—the chronicler Malalas, and the poets Christodorus and Colluthus.³⁶ The first, writing in non-classical Greek prose, makes her a contemporary of King David and provides a factual, euhemerizing notice, comparable to his later pen portraits; the second, closer to Malalas in

Christianity was necessary (*CJ* 1.5). For the issues, Kaldellis (2004), 165–73. *Bldgs.* 1.61 for Procopius' response to HS. On Samaritans: see Sect. 2.

³¹ John the Lydian, *On Portents (de ostentis)*, *On the Months (de mensibus)*, *On Offices (de officiis)*; Photius, *Bibliotheca* 180. Maas (1992), 30, disagrees, but concedes 'Christianity did little to shape the views expressed in his surviving works'. John cites only one Christian writer, the heretic Origen. Note also John's admiring reference to his home town Philadelphia—a 'little Athens', according to Proclus' followers, 'owing to its Pagan festivals' (*de mensibus* 4.57). Michael Whitby (1991) also questions John's Christian credentials, as does Fowden (1986) and Kaldellis (2003).

³² Paul, *Ekphrasis of HS*, on which Bell (2009); also ch. 7. Romanos, esp. *Kontakia* 31, 33.

³³ e.g. Agathias' 'three-in-a-bed-sex-romp' (*GA* 5.269); contrast his poem describing an archangel (*GA* 1.34); Paul's epigram on a girlfriend who 'has not yet decided whether to yield to Aphrodite or Athene' (*GA* 5.272). Dating: Alan Cameron and Averil Cameron (1966). Bell (2009) for their religious sympathies.

³⁴ Theophylact Simocatta, *History*, *Dialogue* & *Proem*, Whitby and Whitby's note *ad loc.*

³⁵ Menander Protector, *History*, ed. Blockley, introd., 20–1. Ch. 1 for the climate of fear.

³⁶ I am here indebted to Jeffreys (2006): *Mal.* 91, Christodorus, *Anth. Pal.* 2.215–21, Colluthus 254–68.

both substance and euhemerizing, writes in the epic style; while Colluthus' treatment is one of 'precious classicizing', with minimal concessions to changing times. It becomes no easier to understand the implications of such choices when we see Evagrius, with his sensitivity for the controversial, apparently condemning euhemerizing and the immorality of Pagan myths generally;³⁷ when Dioscorus of Aphroditto writes epithalamia for Christian marriages where Pagan deities play leading roles; when a repertory of Pagan themes still continued to flourish in ivories, mosaics, or silver tableware; and, above all, perhaps, Paul's *Description of Hagia Sophia* where a Christian and imperial message is wrapped up in Pagan imagery and classical metres.³⁸ Educated 'Hellenes' and Christians still retained much in common at the intellectual level; many also shared a pervasive Neoplatonic culture, which for some Pagans had a monotheistic orientation, seen as compatible with belief in a plurality of divine beings in a hierarchy subordinated to a supreme god.³⁹

We cannot, therefore, specify exactly the complex relationships in late antiquity of 'Hellenism' and Christian culture, or the groups behind them—with the partial exception of the philosophical schools or the churches. The complexity is illustrated in the way, at least in the fourth century, the Church could accommodate as a bishop such an equivocal Christian as the Platonist Synesius of Cyrene. Neither can we specify the precise connections between changes in literary practices and the transformation of the urban culture of which 'Hellenic' culture was once a vital part, nor the interest groups involved.⁴⁰ We are *probably* safe, however, in saying that certain classicizing styles were acceptable, notably in history, or, notwithstanding their subject matter, 'Hellenistic' epigrams, *epyllia*, or full-scale epics. These were perhaps even 'natural' for some Christians with the right education. Indeed for many lay Christians, classical culture may have been their *only* culture. Some genres at least, however, had to be argued for, as by Choricus of Gaza in his defence of the mimes; he also annoyed Photius by inserting myths and Greek stories 'slightingly, for no reason and unnecessarily' into his productions.⁴¹

³⁷ Evagrius, *EH* 1.12 and Whitby's note *ad loc.* with refs. to earlier Christian polemic. For decorative arts, M. Mango (1986) esp. ch. 2; Peña (1997) for illustrations.

³⁸ MacCoull (1988), 56. In several poems (e.g. H5, 9ff.) Pagan and Christian references coexist. See also Althaus and Sutcliffe (2006) for the survival of classical iconography on luxury wares into the mid-Byzantine period. For Paul, Bell (2009).

³⁹ Athanassiadi and Frede (1999), esp. introd.

⁴⁰ See especially Averil Cameron (1985 and 1991); M. Maas (1992), like Liebeschuetz (2001b), relates literary changes to changes in urban culture, and the relative decline of the urban upper classes who were its chief patrons—the products of a wider transformation of the empire going back at least to the Tetrarchy; MacCoull (1988) on Egypt; and Bowersock (1990) for late Hellenism generally, including the visual arts. He, like MacMullen (1997), stresses the cross-fertilization of Christianity and Paganism. His images of Pagan Trinitarian cults, in Syria and its Arab periphery, featuring the god-man Theandrites, illustrate contemporary syncretism.

⁴¹ Choricus of Gaza, *Or.* 30. Photius, *Bibliotheca* 100.

But familiarity with these issues, notwithstanding earlier advocacy of the classical tradition by Basil of Caesarea or Alan Cameron's arguments against any necessary link between Paganism and 'Hellenizing' poetry, must not anaesthetize us to the inherent tensions, especially from the Christian side, in this strange marriage of Athens and Jerusalem.⁴² It was, after all, brutally denounced by Romanos and the *Akathistos Hymn*; the patriarch Severus, critical of those employing classical allusions in their own letters, forbids clergy from writing poetry, and complains that a priest has 'taught his children to play the harp and dance and made them serve the devil'.⁴³ Putting aside the 'intellectual errors' of Paganism or its alleged immorality (also criticized by Pagans since at least Plato⁴⁴), the ethos of the two traditions is palpably different even when not in conflict: contrast the values of the *Iliad*, for instance, with those of any Christian writer. We should not too easily dissociate it from wider political and religious strains, or dismiss it as mere nostalgia for aspects of 'ancient wisdom'.⁴⁵ For other choices of subject and genre *were* available for serious elite writers: for Malalas or Evagrius, for example, there was classicizing history; for Romanos, classicizing poetry—while a major ideological shift in late antiquity was precisely the association of Hellenism and Paganism, so that 'Hellenic'—and by extension much of the civilization it characterizes—becomes a term of abuse.⁴⁶ Even whether to celebrate the Greek or Roman past was not a politically innocent choice.⁴⁷

Moreover, that some retained an interest in misrepresenting, as opposed to discreetly passing over, the ideological—and wider—political currents of the age makes detective work harder, even amongst the literate elites. Thus Theodosius could append to his anti-Pagan legislation the disingenuous rider 'although We now believe there are none'—even though the next article, targeting 'the Pagans who survive', instantly subverts this text. Eusebius similarly writes a history of remorseless Christian triumphalism culminating in Constantine's victory.⁴⁸ Yet if Christianity had been as universally triumphant as such writers imply, the anonymous author of *The Forerunners of Christianity* need not have written his lengthy work—after Heraclius—to 'leave no excuse for those [presumably educated] Pagans who have not accepted the divine message'.⁴⁹ Nor would Pope Gregory have laboured late

⁴² Alan Cameron (2004). Basil, *On the Value of Greek Literature*. Romanos, *Kontakion* 31, str. 16: 'The Athenians are defeated by the Galileans . . . Nazareth shakes Corinth.'

⁴³ Severus, *SL* 1.30, 92–3; 1.27, 88–9.

⁴⁴ e.g. in *Republic*, bks. 2–3; Plutarch, *Moralia* 'On studying poetry'.

⁴⁵ 'Ancient wisdom' (*ten emphrona palaioteta*): *de Mag.* 3.11.

⁴⁶ Bowersock (1990), 10–13.

⁴⁷ See esp. subsection 'Case Study 3—John Malalas'.

⁴⁸ *CTh.* 16.10.22, 23; cf. 16.10.25 ordering the destruction of Pagan temples, etc. 'if any now remain entire'. Eusebius, *EH* 10; cf. Isidore of Pelusium (4th/5th cents.), *Ep.* 1.270: 'The Pagan faith . . . has now vanished from the earth.'

⁴⁹ Photius, *Bibliotheca* 170.

in the sixth century, in Italy, Sardinia, and Sicily, for the conversion of Pagans or relapsed Christians. In passages also illustrating the links between Christian landowners and Christianity, he stresses not merely the duty of the former to care for their tenants' souls—a commonplace—but that peasants on church lands reluctant to 'come to God' must be 'so burdened with rent that the weight of this punitive exaction should make them hasten to righteousness'. He similarly exhorts the religious to maintain their 'pastoral vigilance against idol-worshippers, soothsayers and magicians'. When such evil people are found, they must be arrested 'with a fervent zeal' if free; but, if they are slaves, they must be 'chastise[d] with blows and torments to bring about their correction'.⁵⁰

Further interpretative difficulties emerge from what Procopius says about those in Caesarea and elsewhere in Syria who, when it served their interests, professed orthodox Christianity, but then might relapse into Manichaeism or 'Polytheism'.⁵¹ Moreover, to base generalizations on what people, under pressure, say they believe risks egregious misjudgements: the tradition of 'concealment' (*taqiya*) by Alawites in Syria who declared themselves officially as Sunni, at least before Syria became run by Alawites, which I first encountered when desk officer for Syria and the Lebanon in the FCO, is a continuing and contemporary example. No less misleading is to make incorrect judgements about the innermost beliefs (or private practices) of those who, for personal gain or their careers, bow in the Temple of Rimmon. Such people were familiar to Eusebius and Libanius in the fourth century, as to Procopius in the sixth; their existence, we have seen, is even confirmed in the sixth by the *Code* which strips false Christians of imperial rank.

Later the holy man Barsanuphius (d. c.545) was consulted in Palestine about the spate of conversions of officials faced with persecution—and about whose sincerity, in the case of the *dux* at least, he had doubts. We should not underestimate in such cases the pressures for outward conformity: not only an astonishing range of major legal disabilities, but also the risk of death, even by burning, if you were 'outed' as a Pagan.⁵² The saintly Barsanuphius considered, by contrast, that flogging, a penance, and instruction in the true faith sufficed for exposed Pagans. He also tellingly reminded the *dux*, as an

⁵⁰ Gregory (the Great), *Epp.* 3.59; 4.23, 25, 26; 5.32, 38; 8.1, 19; 9. 204; 11. 12; 33; Markus (1997), 81–2; Michael Whitby (1991).

⁵¹ Procopius, *SH* 11.24–5 (Caesarea), 31–2 ('Hellenes'); cf. *Chron. Paschale* 530, representing Samaritans, coerced into Christianity following the 529 revolt, wavering 'up to the present day' (= the early 7th cent.) in the new faith—and persuading 'lax and greedy officials' to favour them.

⁵² Eusebius, *Life of Constantine* 4.54; *Lib. Or.* 30, by contrast, *boasts* of insincere conversions; *SH* 11.32. A far from exhaustive list of exclusions might include, apart from exclusion from high office: *CTh.* 16.19 (excluding Pagans from *militiae*); *CJ* 1.5.18 (ban on professorships); *CJ* 1.4.15 (exclusion from the Bar); *CJ* 1.5.18 (incapacity to make wills, receive inheritances or bequests, or to testify in court); *CJ* 1.11.10 (compulsory baptism).

incentive to good future Christian behaviour, that he owed his job to *Christian* imperial patronage.⁵³

Such insincerity may be reflected in some of the missionary successes which John of Ephesus claims: the reward for conversion of a *tremissis* (one-third of a *nomisma*) did not go far, but, for it, a hungry peasant might have been prepared to embrace Christ... However, the value of John's accounts of Pagan survivals amongst the population at large is limited by his generalized mistrust of educated professionals, a readiness to see any deviation from strict orthodoxy (as John saw it) as 'Paganism', and his concentration on religious conflicts among the elite.⁵⁴ We can, however, infer wider religious tendencies from the geographical spread of the Paganism he reports under Tiberius II,⁵⁵ while his description of 'Christianity' in a remote community, without either priest or Gospels, also warns again against simplistic categorizations of people or communities as 'Christian' or 'Pagan'.⁵⁶

Similar tendencies to assume what needs explaining can still be found. Coming to the field as an outsider, the sociologist Mann was struck by how, even when the grip of Christianity over our own culture had weakened, the rise of Christianity still tended to be taken as 'natural' and left to theologians. His (representative) example was a standard introduction to the early Church which he rightly criticized as 'perfunctory' in analysing the causes of its growth.⁵⁷ The situation is improving, but room for further improvement remains.⁵⁸

SECTION 2—IDEOLOGICAL CONTINUITY, CONFLICT, AND CHANGE

Evidence for ideological continuity and conflict

We can nevertheless infer at least some consistent ideological patterns from our sources: first, outside the churches, an exaltation of *Pagan upper-class values* (and interests), absorbed with no apparent difficulty by richer lay Christians; second, *submerged conflicts* between Pagans and Christians as well as interest-based ideological *conflict within the upper classes* themselves

⁵³ Barsanuphius, *Correspondence* 821, 822, 839.

⁵⁴ John of Ephesus, *EH* in Ps.-Dionysius of Tel Mahre, *Chron.* 3.77. Van Ginkel (1995) for John's wider attitudes. Cf. the mixed motives of those 'taking the soup' in 19th-cent. Ireland.

⁵⁵ See Sect. 3.

⁵⁶ John of Ephesus, *LOES*, *PO* 17.229–47.

⁵⁷ Mann (1986), ch. 3, on Chadwick (1967).

⁵⁸ See now the evidence for Paganism in MacMullen (1997), Liebeschuetz (2001b), Trombley (1985, 1993–4), Rochow (1976), and Michael Whitby (1991).

centring on the legitimacy of the regime, though not of the imperial institution itself, which was excoriated for its fiscal and other policies inimical to their interests.⁵⁹

To see this, our starting points will be: for the empire as a whole, Procopius; for a civic perspective, Antioch—owing to its intrinsic importance, its surviving material culture, and the richness of the literary materials from the fourth to the sixth centuries. Outstanding amongst these is Libanius,⁶⁰ although from the later fourth century, he illuminates features of continuing prominence for which there is no comparably rich sixth-century equivalent. That Severus, when studying in late fifth-/early sixth-century Alexandria, was discouraged, as a recent convert to Christianity, from reading him corroborates this. His biographer was at pains to exonerate his hero from any taint of Paganism; we may infer that this advice (if genuine) was not proffered on literary grounds: rather because Libanius was ‘the most faithful guardian of ancient values; the most completely alien to every Christian value’, and Severus needed to be protected from him.⁶¹

The Antiochene materials illustrate, in words and images, and despite the introduction of Christian themes, some persistent values—shared at least by the secular elites—of the major East Roman city; what the upper strata needed to live up to; what the lower orders might (ideally) expect of them.⁶² This is predictable; the ‘relations of production’ remained unchanged throughout late antiquity, although the rich got richer, their estates larger.⁶³ But the ruling elite remained essentially the same, even if ambitious individual members, now Christian whether from conviction or interest, might become bishops or imperial officials, rather than old-style civic benefactors or ‘evergetists’.⁶⁴ Their values were persistent: reviewing dedicatory inscriptions to late antique notables, mainly governors, from around 350 to Justin II, Louis Robert concluded:

Throughout this whole period, one encounters the same themes, the same forms of words and the same style . . . it is eloquent testimony to the taste, to the *paideia* which animates the upper classes.⁶⁵

Comparable evidence for the sixth century, epigraphy apart, is harder to find. There are, for example, no longer any known overtly Pagan writers by mid-century,⁶⁶ let alone propagandists daring to appeal to the emperor on behalf of

⁵⁹ See Ch. 6. ⁶⁰ See Ch. 2.

⁶¹ Zacharias of Mitylene, *Life of Severus* 12. Patlagean (1977), 22.

⁶² Lib. *Antiochicus* (Or. 11) is the paradigm text.

⁶³ Garnsey and Whittaker (1998), 299. For examples, Sarris (2006), Banaji (2007); see Ch. 3 here.

⁶⁴ Whittow (1990). ‘Evergetists’ from the Greek word for ‘benefactor’, *euergetes*.

⁶⁵ Robert (1948), 108–9, with inscriptions.

⁶⁶ ‘Saving Damascius’ *The Philosophical History*. Olympiodorus (d. c.561) is the last known Pagan philosopher in Alexandria.

Pagans, as did Libanius.⁶⁷ This does *not* mean Pagans had gone away, even if the silence shows how far the world was moving towards a 'totalising Christian discourse'.⁶⁸

Class-related ideological conflicts—the testimony of Libanius and Procopius

Libanius and Procopius also illuminate ideological conflicts in late antiquity more generally: the former extols Antioch as a seat of wealth, culture, and, tendentially, of social harmony, while blanking out the strength of Christians;⁶⁹ his paean to the notables as protectors of the poor overlooks the distress caused by famine, before and after his oration—distress aggravated by exploitative manipulation on the part of local landowners, in ways confined to neither Antioch nor the fourth century.⁷⁰ Nearly one hundred and fifty years later, Severus will write of the (continuing) harassment of tenants and their families by landowners, or the rich dragging the poor into court in chains. What he says about the destitute of the city, the duty of Christians to care for them, the reluctance of the rich to do so, and on landlord oppression echoes his fourth-century compatriot John Chrysostom.⁷¹

As for religion more generally, Procopius' verdict that the emperor had brought the empire 'to rest on the firm foundation of a single faith'⁷² is, as a statement of fact, as risible as Libanius' on general upper-class benevolence. Moreover, the *Secret History* shows he had less obliging things to say about Justinian, and that the religious situation was more troubled than he suggests.⁷³ Even as an account of the emperor's public works, the *Buildings* is less than the whole truth—which does not diminish the importance of what he is saying or the desirability, from the imperial standpoint, of its being *accepted* as such by the widest possible spectrum of society. It does not matter whether Procopius got it precisely right (though he generally tried hard—on what was

⁶⁷ Or. 30. Even by the 5th cent., the *rhetor*—and Antiochene landowner—Isocausius had found conversion to Christianity a necessity: Mal. 369–70.

⁶⁸ Averil Cameron (1991). Cf. epigraph to this chapter.

⁶⁹ Liebeschuetz (1972); Petit (1955).

⁷⁰ Ch. 3 generally. For upper-class exploitation in Edessa c.499–500: Ps-Joshua, *Chron.* 42; for hoarding by the rich at Amida during the same period: Zacharias, *EH* 7.3. Julian, *Misopogon*, *passim* for upper-class exploitation in Antioch in the 4th cent.

⁷¹ Severus, *Hom.* 29, 103 (poverty); 33, 38, 113, 115, 162 (duty of care), 89, 102, 122 (selfishness of rich); John Chrysostom, e.g. *Hom. on Matt.* 61, 66, 67; *Hom. on Acts*, 45.

⁷² *Bldgs.* 1.1.6–16.

⁷³ The relationship between the various works of Procopius (Greatrex 2003) is not material to the case argued here: namely, the *SH* provides a similar corrective to the *Bldgs.* as some of Lib.'s Or. do for others he gave. For conflict with heretics: *SH* 11.14–16; with Samaritans converting or relapsing into Manichaeism or 'polytheism', *SH* 11.24–30. The conflict with Miaphysites he effectively ignores.

done, for instance, at Dara); in claiming as new building what was merely refurbishment; or in representing the demolition of temples at Philae—although one still stands—as a policy of ‘Christianization’, when it may have reflected no more than a breakdown in peaceful relations with local tribes.⁷⁴ For Procopius was ‘spinning’ Justinian’s building achievements (and religious aspirations) as an innovative form of that most ideological of genres, panegyric.⁷⁵

Nor should we argue over whether Procopius was correct in claiming that a Pagan temple continued functioning at Augila in the heart of the Libyan desert, south of Cyrene, until Justinian’s day.⁷⁶ Given the pervasive presence of Paganism until late in the reign and beyond, it is more important to focus on Procopius’ ‘assumption that the conversion of Pagans was a prime aim of Justinian’s building policy’ whether in Augila, Boreium—both in Cyrenaica—or amongst the Tzani.⁷⁷ Justinian wanted to be *seen and impress* as the scourge of Paganism; technical details were less important. This perceived political need was the greater if we ‘read’ the church building in Libya as a response to Justinian’s ‘defeat’, in conceding to the Persians that Harran should remain Pagan in deference to the susceptibilities of the exiled Platonists there.⁷⁸

Part of the reason for such artful dissimulation by Libanius and Procopius—we could add Paul the Silentiary’s *Description of Hagia Sophia*—was advancing their personal interests. More revealing is seeing all three as fighting political battles at the ideological level, by writing innovative and hopefully well-received panegyrics, in ways entirely compatible with the self-interest of their authors. This reading implies, first, that even as late as 559, a plausible date for the publication of the *Buildings*,⁷⁹ there remained a battle to be won on behalf of the imperial, Christian ideology (and the regime) at a time when much was going badly wrong both domestically and abroad.⁸⁰ What we know independently of Justinian’s contemporary efforts to neutralize domestic opposition, achieve Christian unity, and extirpate Paganism confirms this.⁸¹ Second, it reinforces our earlier characterization of ideology as capable of distortion and dissimulation, warning us not to regard the culture of the

⁷⁴ Temples at Philae allegedly used for human sacrifice, *Wars* 1.19.34–7. At least one such temple remains standing, albeit converted in the 6th cent. into a church dedicated to St Stephen. See IG Philae 201 and 203; Nautin (1967).

⁷⁵ For *Bldgs.* as panegyric, see *Antiquité tardive* (2000): esp. Averil Cameron, Mary Whitby. Also Averil Cameron (1985), ch. 6. Most recently, Elsner (2007), Bell (2009).

⁷⁶ *Bldgs.* 6.2.14–20; Averil Cameron (1985), 89.

⁷⁷ Averil Cameron (1985); cf. John of Ephesus’ building of new churches, etc. for converts: Ps.-Dionysius of Tel Mahre, 3.78; *Bldgs.* 3.6.12.

⁷⁸ So Athanassiadi (1993).

⁷⁹ The dating of *Bldgs.* remains controversial. 554 is the conventional date, but improbable: Bell (2009), 92 n. 302, summarizes the arguments.

⁸⁰ See Mal. 486–90, and Bell (2009), 87–8.

⁸¹ e.g. *SH* 11.31–2 for persecution of ‘Greeks’.

empire as 'monolithic'.⁸² These works also satisfy our criteria for ideological writing as articulating the partisan views of significant social groups in their own milieux (here civic elites, the emperor and his *apparat*, and the Church), with the aims of justifying, contesting, or changing the social and political arrangements, including the balance of power, and accordingly the values of their political communities.

Both men were, finally, writing in their *class* interest. This is clearer in Libanius, given his exaltation of the local elites, his plea elsewhere in mitigation of their profiteering, and his preference for market forces, which both then (and later) tended to benefit disproportionately the moneyed upper classes, against the more *dirigiste* famine-relief regime favoured on humanitarian (and wider political) grounds by Julian and, even earlier, Diocletian.⁸³ As for Procopius—except, for example, where he deploys the miseries of the 'destitute' (*ptokhoi*) to make a point against Justinian (and the Persian king, Chosroes)⁸⁴—his attitude emerges from his well-known criticisms of the mob in his treatment of the Nika Riots and in his sympathy for rich victims of Justinian's exactions in the case histories in his *Secret History*.⁸⁵ It is also clear from his use of language. For him, farmers were normally and classically, but pejoratively, 'peasants' (*agroikoi*)—*except* when he wanted to portray them more sympathetically as fellow victims of the demonic emperor, when they become 'farmers' (*georgoi*).⁸⁶

There is, however, a spectrum of attitudes towards the lower orders in sixth-century writing. We have seen that some, notably ecclesiastical, writers take an ideological stance justifying the churches' cultivation of a 'constituency of the poor'. Agapetus also argued for the good emperor's taking from the rich to give to the poor. More radically still, he told the emperor that 'inequality must be changed to equality'—the only example known to me from antiquity advocating redistributive economic policies as opposed to charity. Leontius similarly shows concern for the poor;⁸⁷ Romanos recognized that 'the peasant works and the landowner harvests' and excoriated the Rich Man, *Dives*.⁸⁸ Severus we have already cited. But, in other surviving writers, whether panegyrists like Corippus or Paul the Silentiary, the author of the *Dialogue on Political Science*, Evagrius, John the Lydian, or, above all, the *Justinianic Code*, there is a visible commitment to the social status quo and keeping the lower orders in their place—literally so, in the case of *coloni*. Their sympathies were normally with either the landowning classes and their alleged sufferings at the

⁸² Pace Markus (1990).

⁸³ Lib. Or. 15.21; Ep. 379; Diocletian, *Edict on Maximum Prices* (302).

⁸⁴ SH 26.18. ⁸⁵ e.g. SH 22.39–40; 27 ff. ⁸⁶ SH 26.16.

⁸⁷ Leontius, *Hom.* 3.18, 19; 7.14–16; 10.36, denouncing private prisons (for debt); cf. *CJ* 9.2.2.

⁸⁸ *Kontakia* 53 and 49 (in Romanus, *Hymnes*, ed. and tr. (French) J. Grosdidier de Massons (Paris, 1964–81)); Leontius, *Hom.* 5.15.

hands of the regime, or the senatorial aristocracy more generally.⁸⁹ They were similarly at one on the divine ordinance of the imperial institution and the God-protected mission of the Roman Empire, however individual emperors might err. Moreover, whatever criticisms of the regime underlie the *Dialogue on Political Science*, its author takes it as no less axiomatic than Agapetus that imperial rule was the 'imitation of God' (*mimesis theou*), even if they read different policy prescriptions from this shared proposition.⁹⁰ Even an eccentric like Cosmas Indicopleustes was certain of the divinely ordained status of *Romania* and its destiny to remain until the 'end of time' (*sunteleia*).⁹¹

Material evidence for ideological conflicts

The material remains from Antioch support this interpretation, notably through their promotion of upper-class values. They are luxurious artefacts proclaiming their owners' wealth, values, and status. They afford exemplary illustrations of class-related, ideological continuity. A superb specimen is a mid-fifth-century mosaic from a suburban villa in Daphne (mod. Yakto), outside Antioch. Here the personified, unchristian, and gloriously aristocratic virtue *Megalopsychia* evergetically dispenses largesse to an ensemble of mythologically entitled hunters in a stylized civic *venatio* (or 'hunt') in the arena, surrounded by townspeople and local features (see Figs. 5.1 and 5.2).⁹² One could add further fourth-/mid-fifth-century Antiochene mosaics personifying, for example, such other non-Christian virtues as 'freedom from care' (*amerimnia*), in a tomb complex; and 'salvation' (*soteria*), perhaps an ironic reference to Christian values—in a bathhouse praising bathing!⁹³

In the Yakto mosaic, however, Christianity is not airbrushed out, as in Libanius: Constantine's basilica appears in the marginal depiction of the route from Antioch to Daphne, with various Christian charitable foundations, street traders, and possibly a beggar in the outer frieze.⁹⁴ This border, shown in

⁸⁹ e.g. *SH* 29.17, 30.17; *de Mag.* 3.59; Evagrius, *EH* 4.30.

⁹⁰ *Dialogue* 5.18.9. See Bell (2009).

⁹¹ *Christian Topography* 2.75, 77.

⁹² *Megalopsychia* (lit. 'great-soulness' or 'magnanimity'), described in Arist. *EN* 1123a34, is the antithesis of the Christian virtue of humility, and an aristocratic virtue par excellence. 'Ostentatious, justified pride' gives some idea of the word's flavour—and of the values also of those who give her pride of place in their house.

⁹³ Kondoleon (2000), ch. 6: House of Ge and the Seasons, Daphne; Yücel (1987), illustrations only, 26–7, 28–9, 40–1. The standard work on the mosaics is Levi (1947); Huskinson (Sandwell and Huskinson 2004) says of the Yakto mosaic only that the scene can be read as 'symbolising the interests and values of the [unspecified] influential patrons'. Also Becker and Kondoleon (2005).

⁹⁴ For the itinerary and the places depicted: Downey (1961), *Excursus* 18, 659ff.

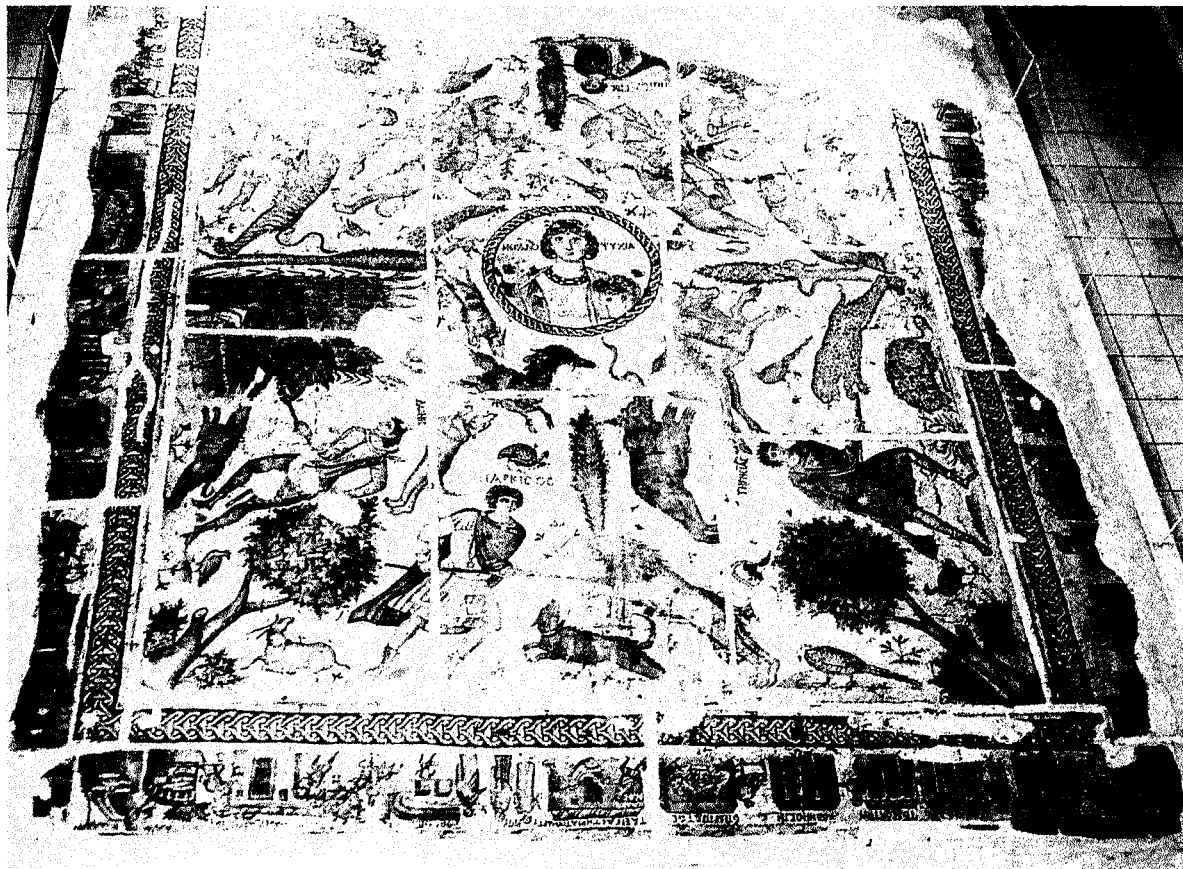


Fig. 5.1 General view of hunting scene surrounding Megalopsychia (Magnanimity) with topographical border (mid-fifth-century mosaic floor from Daphne, near Antioch) (from Kondoleon 2000).



Fig. 5.2 Detail showing Megalopsychia dispensing rewards (from Fig. 5.1).

Fig. 5.3, portrays those ‘stakeholders’ whom a governor, Libanius had said, must keep onside:

The councillors and their families, the *honorati*, the teachers and their students, the farmers, lawyers and artisans, manual workers, tradesmen and shippers. He who attracts those to him is loved by the city, the true city.⁹⁵

Or, less tendentiously but more realistically, in the *Antiochicus*:

Each has a wife, children, a household; this teaches prudence and encourages people to seek tranquillity.⁹⁶

By contrast, it is those without a trade or a stake in the city who ‘have no reason to be alive except to be wicked and do evil’.⁹⁷

Here Libanius shows the fault line in society, including the capital, *throughout* late antiquity: it is his ‘respectable elements’, incorporating ‘the popular element and those who practised trades in the city’, that rally round the count of the East (*comes orientis*) in 588 against the patriarch.⁹⁸ Libanius’ concerns

⁹⁵ Lib. Or. 41.2 is another disingenuous formulation: its rhetoric glosses over conflicts of economic interest particularly between workers on the land (here flatteringly ‘farmers’) and their exploiters. Rich or even *independent* peasants might be another matter.

⁹⁶ Or. 11. Cf. Or. 26; Tacitus, *Annals* 1.1.4.

⁹⁷ Or. 41. Libanius includes here not just deserters, fugitive slaves, and criminals, but also artisans and peasants, ‘clients of the *dunatoi* (powerful)’, and claqueurs: Petit (1955), 219ff. for full refs. It is easy to envisage many of these metamorphosing into *stasiotai* from the 5th century onwards.

⁹⁸ Evagrius, *EH* 6.7.

(a)



(b)



(c)

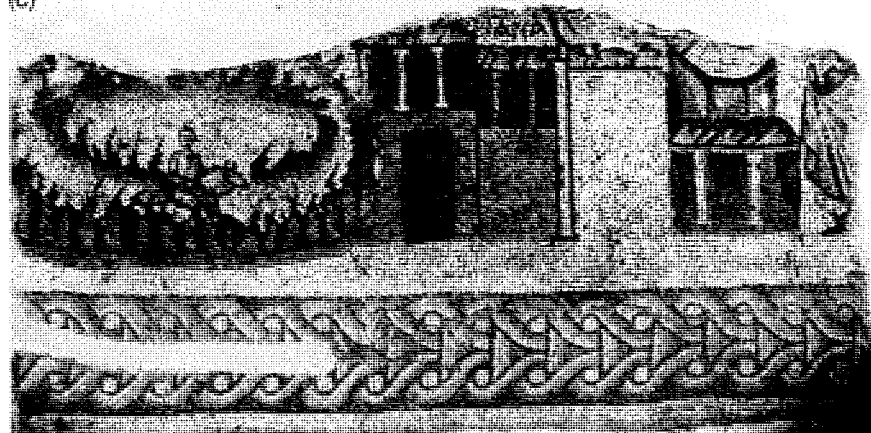


Fig. 5.3 (a-c) Detail of Daphne topographical border showing an itinerary between Antioch and the suburb of Daphne (from Fig. 5.1).

are similarly mirrored in Syrianus' later *On Strategy*, which fears that a class without employment will be led into 'licentiousness, thievery and other forms of wickedness',⁹⁹ while John the Lydian represented impoverished refugees from the countryside as responsible for the Nika Riots.¹⁰⁰ These are the people whom the owner of the Yakto villa might well have blamed for the mid-fifth-century outrages that were perpetrated by a 'populace who were whipped up to complete madness and surpassed the nature of any beast'¹⁰¹ in a city which, in neither the fourth, fifth, nor sixth centuries, was the harmonious metropolis the mosaic (or Libanius) disingenuously portrays.¹⁰²

Christian appropriation of pagan upper-class values

An ideological 'reading' of sixth-century artefacts further emphasizes the continuity of a visual vocabulary of Pagan origin—*plus* movement in a Christian direction. Thus, we have two fine late fifth-/early sixth-century hunting mosaics, one with and one without human hunters from Antioch. One could read them simply as continuing testimony to the 'passion with which the ancient world pursued hunting as entertainment, leisure activity and virtue'.¹⁰³ But we can go deeper. Libanius again: 'hunting is an effective teacher of war' and 'those who have been hunters (are) blessed and worthy of admiration'.¹⁰⁴ This luxurious decoration provides more evidence of continuity in elite values. We cannot safely infer the owner's personal beliefs, as opposed to his social attitudes, but they are not obviously in harmony with the sympathetic portrayal of rural labour in mosaics in the Great Palace (see Fig. 3.1). Given the cultural diversity and ideological conflict in sixth-century Antioch,¹⁰⁵ the possibility (at least) of tension between the upper-class 'ideology of the *tesserae*' and other, more 'democratic' elements of the increasingly hegemonic Christian ideology remains.

⁹⁹ PS 1. Once dated to the 6th cent., but a later dating seems now more plausible: Rance (2007).

¹⁰⁰ *de Mag.* 3. 70.

¹⁰¹ Evagrius, *EH* 2.12: Whitby n. *ad loc.* speculatively suggests the factions were responsible; Mal. 369 (on which see E. Jeffreys's note).

¹⁰² Besides its homicidal ecclesiastical politics—including the murder of the patriarch Stephen by 'the sons of the Antiochenes' (Evagrius, *EH* 3.10), or 'his clergy' (Mal. 381)—the city was embroiled in the conspiracy of Illus (Evagrius, *EH* 3.27; Mal. 385), suffered a disastrous earthquake, and towards the end of the century suffered (again?) from intense factional rioting (Mal. 389). Then, as noted, the governor and patriarch were virtually at war from 577 to 588 with their partisans each having a long list of deeply felt grievances: Evagrius, *EH* 6.7.

¹⁰³ Mosaics with commentary in Kondoleon (2000), 160.

¹⁰⁴ Lib. *Or.* 5.20–1.

¹⁰⁵ See Sect. 3.

Two examples hint at a more teasing relationship between old and new modes of signification: first, what remains of a procession of animals from the church at nearby Seleucia Pieria (mod. Şilifke), the port of Antioch, from the late fifth/early sixth century. This suggests the adaptation by Christians of 'secular' practice of which we shall see more. The courage of the hunter, hunting as an upper-class pursuit, even the ownership of *paradeisoi* (game parks) are implied in the domestic, mosaic 'animal carpets'. Likewise the lordship of their *dominus*. In churches, however, the animals are often tame, as in Eden before the Fall, and 'the meaning of the new "carpet" transfers easily to imply the domain of the Lord'.¹⁰⁶ At the same time, the older tradition, judging from the (few) survivals, continues in parallel and possible conflict.

Our second example goes, however, beyond ideological coexistence to direct Christian appropriation—of Megalopsychia herself. In Chapter 2 and earlier in this one, we first saw her presiding, in the fifth century, over a city where Christian symbols were now visible—indicating the persistence of some traditional elite values. We now see her, in the sixth century, illustrated in Fig. 5.4 in the predominantly Christian environment of Constantinople, on the dedicatory page of the illuminated edition of Dioscorides' herbal which was presented to Anicia Juliana.¹⁰⁷ At the pinnacle of the Constantinopolitan social scale, Anicia Juliana was a committed Chalcedonian, a spectacular (Christian) evergetist, and possibly a focus of aristocratic resistance to Justinian.¹⁰⁸ Here the dedicatee, represented as Sophia (Wisdom), is flanked by representations of the classical political virtue of Phronesis (Prudence) and, here again, Megalopsychia. There is no reason to believe that such ancient aristocratic virtues were less attractive to other great Christian families in the capital or elsewhere—including the *aristoi* (literally, the 'best people' or *optimates*), whose claim to political authority is eloquently promoted in the *Dialogue on Political Science*.

There was, therefore, no longer any perceived necessary conflict between, at least some, key Pagan and now also Christian upper-class values and symbols. But it is less clear how far this coexistence was compatible with the religious values and political interests of the Justinianic regime and its personnel; or how far they disguised continuing conflicts between Christians and Pagans. The former we address in Chapter 6; the second, more general and systemic question, here.

¹⁰⁶ Kondoleon (2000), 218–19, with illustration.

¹⁰⁷ Dioscorides (Pedanius Dioscorides), 1st cent. ce, wrote a scholarly work on drugs and plants, *De materia medica*, used in medicine, which remained authoritative until the 15th cent. Many beautiful illustrated editions are known.

¹⁰⁸ For Chalcedonian credentials: e.g. Mal. 407; *Coll. Avell.* 164, 168. For her dedications of other churches: GA 1.12–17. Ch. 7 for Anicia Juliana more generally.

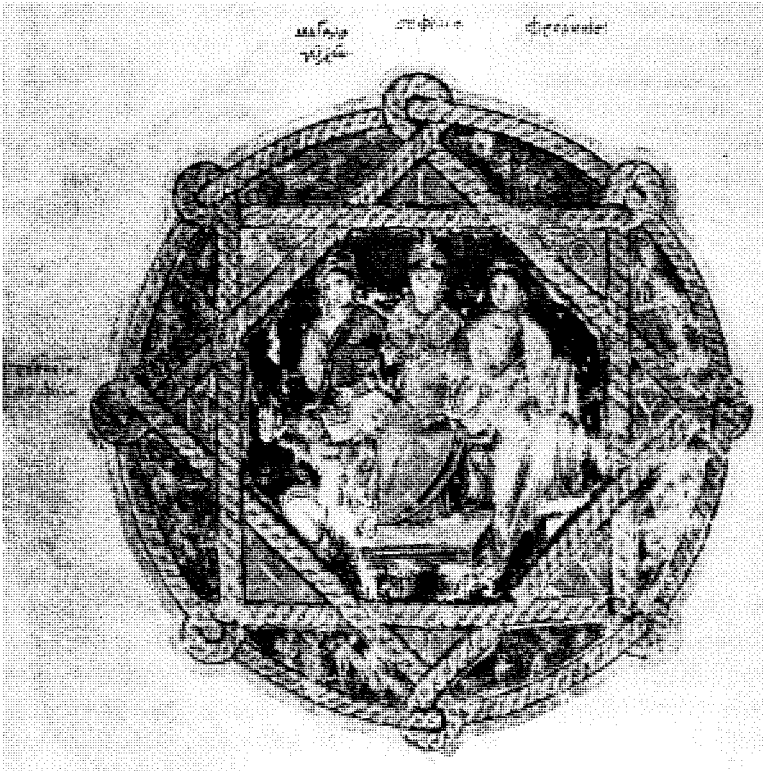


Fig. 5.4 Anicia Juliana as Wisdom (Sophia) in a sixth-century MS of Dioscorides' *De materia medica* dedicated to her (from the Österreichische Nationalbibliothek, Vienna, med. Gr. 1, fo. 6v).

SECTION 3—THE PERSISTENCE OF PAGANISM

General considerations¹⁰⁹

Section 1 of this chapter showed why we would be foolish to ignore the Paganism that 'still lurked in the most refined and rustic conditions of mankind'.¹¹⁰ But it has been consistently underestimated, at least until recently, both in more politically orientated accounts of Justinian's reign and policies,¹¹¹ and in the recent focus on Christian *mentalités*. Hence our need to

¹⁰⁹ This section reflects, in part, papers given at a Conference on the Archaeology of Late Antique Paganism (KU Leuven, 2005), still unpublished.

¹¹⁰ Gibbon (1994), ii. 969.

¹¹¹ Though recognized by Jones (1964), 939. For further recognition, see, in addition to those cited at n. 58, Frantz (1965), Michael Whitby (1991), and Athanassiadi (1993).

look more closely at an ideological fault line that cuts across class, status, and geographical boundaries.

My experience of teaching in a Ghanaian village in the late 1960s shows how hard it can be to 'read' religious culture, even in our own world. Komenda was an ostentatiously Christian community; this religion had been assiduously promoted since the sixteenth century by Portuguese, Dutch, and finally British administrators, missionaries, and slave traders. Yet everyone seemed to believe in magic, a lot of chickens were sacrificed, while syncretist practices were ubiquitous: the Church of the Twelve Apostles in my village performed histrionic public exorcisms—recalling the work of Christian holy men. Once, when my domestic water supply had failed, I went to the village well, a sort of pond in a walled, shallow pit into which one had to descend, only to be rebuked—in Fante, which I scarcely spoke—by two girls, who gesticulated at my feet as I tried to draw water. Later, I asked my houseboy to explain. Raymond roared with laughter: 'You are a teacher, but you don't know that Pupu is the god of the well, and you must take your shoes off when you visit him!' Raymond was also a server in the local Catholic Church. Modern West Africa is not sixth-century Syria; nor is it early modern England, yet Keith Thomas admitted that he had been 'much helped by the studies made by social anthropologists of similar beliefs in Africa' when seeking to understand religious and magical belief and practice in early modern England.¹¹² I have been similarly helped by my African experience, for it also seems relevant to the study of religious change in late antiquity, not least in invoking the possibility of 'radical syncretism', even the coalescence of beliefs and practices both easy to misconstrue and also well suited to 'the concealment of a Pagan mind under a sheep's skin'.¹¹³

That Ghanaian experience also suggests how long it may have taken for an (adapted) Christianity to supply the comprehensive 'ontological security'¹¹⁴ that its Pagan predecessor had provided through the pervasive rituals, private and public, of everyday life, be they feasting, music, dancing, drinking, the theatre, the votive hanging of pieces of cloth, celebrating the cycle of the seasons, or easing the everyday miseries of disease, floods, or drought that the marked uncertainties and poverty—also the eschatological forebodings—of ancient (or modern African) life made the more essential. Some 450 years had elapsed since Christians first appeared in Komenda, but traditional African animism was not extinct; some 500 years after Jesus' death, Christian missionary work was still continuing, even in the less remote parts of Asia Minor.

¹¹² Thomas (1971), p. ix. He cites such practices extensively. Lloyd (1972), for one major anthropological survey of, inter alia, religion in West Africa, written around the time I served there, which emphasizes the widespread survival of traditional African religion, notwithstanding the greater social prestige of Christianity.

¹¹³ Severus, *Hom.* 72.3.

¹¹⁴ B. Wilson (1982), esp. Ch. 2.

Finally, we may also be legitimately surprised by how Christianity provided alternatives or substitutes for some of the ways in which, with varying degrees of grace, the Christian churches had, through assimilating practices from the Pagan past, generated a new, composite ideology. (In my Komenda, even Methodists shimmied through the streets on religious holidays!¹¹⁵) Nevertheless, despite the continuing demographic and geographical expansion of Christianity,¹¹⁶ Paganism remained a significant feature of life, certainly out of the limelight of major city and imperial cults. What John of Antioch wrote, with uncharacteristic frankness, about the religious 'opposition' in 431 applies to the next century also: Christians could not afford the luxury of theological conflict, whose bloodymindedness and violence we observed in Chapter 4, 'if they were to hold their own against the heathen in Phoenicia, Palestine, and Arabia'.¹¹⁷

The *Lives* of Theodore of Sykeon and Nicholas of Sion illuminate these issues. They show how the new cult eventually came to provide 'ontological security'—and how it was marketed for wider consumption. In addition to whatever personal, 'spiritual' consolations Christian practice and preaching brought, such holy men also cast out demons. Where such exorcisms were linked with places of Pagan worship, that is a backhanded compliment, by Christians, to the residual power of the old gods and one justified by the persistence of Pagan beliefs around them throughout the East.¹¹⁸ They too 'healed' men, animals, slaves—which some see as fundamental to the spread of Christianity—and in this Christian healers competed with Pagan rivals.¹¹⁹ They also, again probably as competitors, were believed to control floods and the weather in ways characteristic of Pagan religion—a practice *still* requiring condemnation at the Council in Trullo of 691–2.¹²⁰ Lest anyone in Lycia might miss the ancient ceremonies, or reject Christianity in order to continue the feasting integral to Pagan cult (and social life more generally), Nicholas of Sion 'sacrificed' oxen—the language used in the *Life* is religious—inviting all present to share the feast.¹²¹ There were ten such feasts on one trip in twenty

¹¹⁵ For assimilation—in *both* directions—n. 40.

¹¹⁶ Chronicled in great (especially epigraphical) detail by Trombley (esp. 1993–4, 1985).

¹¹⁷ *Collectio Casinensis* 287.5 in ACO I.4, cited by P. R. L. Brown (1992), 129, to highlight the continuing strength of Paganism in the 5th cent.—and the effectiveness of the 'ideology of silence', permitting the collaboration of members of the ruling class of different religions, but also obscuring the reality.

¹¹⁸ Pace Mitchell (1993), vol. ii, ch. 19.

¹¹⁹ See MacMullen (1984 and 1997).

¹²⁰ Trombley (1993–4), ch. 7, quotes a splendidly syncretist (6th-cent.?) exorcism of hail (IGC-As. Min. 341) to illuminate the wider culture; Mitchell (1993), vol. ii, ch. 19. Council in Trullo: canons 62 and 63 proscribe a variety of 'Hellenic' (i.e. Pagan) practices (*hellenika epitedeumata*), including divination, magic, Pagan festivals and theatricals, and Dionysiac revels.

¹²¹ Slaughter of animals is described as 'the sacred rite of sacrifice' (*hagiasma thusias*), *Life of St Nicholas of Sion* 56; frequency: *Life* 84–91.

days. Unsurprisingly, the prudent Justinian reprised in his *Code* earlier legislation permitting traditional festivals, ideally without Pagan overtones.¹²²

In terms of ideology as *discourse*, and to the extent *Lives* represent 'real life'—not just what pious or affluent readers wished to hear—the holy men who were promoted as providing this spiritual pest control demonstrated the attractions of the new dispensation to a wider audience. In terms of ideology as *social practice*, the churches' rural customers, a peasantry of varied status, sometimes violently antagonistic to their exploiters,¹²³ were thus brought into the community of a Church, with its socially integrating rituals—and the possibility of jobs and upward social mobility. This was achieved in ways comparable to those which brought the factions (and the wider population) into the similarly integrating social identities, loyalties, opportunities for advancement, and enhanced group enthusiasms of the theatre and the hippodrome.¹²⁴ This fostered (socially conservative) group identities since membership did not overtly correspond to, indeed it tended to blur, the socio-economic divisions of society and substitute different ones of its own (e.g. of sect or 'colour'). The converts were, however, not just 'unite[d] into a single moral community called a church' (or faction) of empire-wide reach; they remained situated within the class and status hierarchies of that empire.¹²⁵ John Chrysostom had recommended establishing churches on estates for just this reason.¹²⁶ As for the cities, the 'constituency of the (sc. Christian) poor', however at odds on occasion with other, more consistently upper-class groupings in the cities, was ultimately under the leadership of Christian grandees, the bishops, however much those grandees might be at war amongst themselves.¹²⁷

Around the Eastern Mediterranean

We have already accumulated more than sufficient evidence both of the continuing prominence of Paganism throughout the empire and, notwithstanding Procopius' artful misrepresentations when writing panegyric, of the absence of a universal Christian consensus (even if we pass over divisions within Christianity).¹²⁸ But there are further persuasive grounds for believing, for example, that the strength of the Paganism that John of Ephesus claims he

¹²² *CJ* 1.11.4. ¹²³ Ch. 3 here.

¹²⁴ We must, however, allow for some holy men being at odds with the 'respectable' established clergy, as in Antioch, for instance.

¹²⁵ Durkheim (tr. 2001), 46.

¹²⁶ *Hom. on Acts* 18.4.

¹²⁷ For a 6th-cent. example of Christians acting as militants in urban conflict (in Antioch), see Ch. 4.

¹²⁸ *Bldgs.* 1.1.9.

found in his four westerly provinces in 541/2 was typical of, at the very least, the rural remainder of Asia Minor. The evidence is voluminous.¹²⁹ But even taken in isolation, and allowing for the unreliability of numerical data from antiquity, John's conversions are remarkable: less for their scale, some 70,000–80,000 over some thirty years,¹³⁰ than in the Pagan infrastructure he allegedly identified, including a mountain temple with, formerly, jurisdiction over 1,500 shrines, to which their priests came annually for guidance on their duties.¹³¹

Pagan festivals remained important here and throughout the East, though these were also patronized, Jacob of Serug tells us, by Christians in search of 'a good time'. John the Lydian, for example, favourably records them in his native Philadelphia;¹³² Ps.-Joshua saw the protracted May festivals in Edessa (in 496 and 498) 'at which the Greek myths were chanted', as sufficiently heinous to merit the subsequent famines.¹³³ The continuance of such festivals and pantomimes remained a subject of ideological controversy in the early sixth century; they were regularly denounced by such hierarchs as Severus or Jacob of Serug, as well as Evagrius, in language that shows they are denouncing an important contemporary practice.¹³⁴

Antioch too reveals the lasting significance of Paganism not just in the countryside but amongst the elite: the *Life of St Symeon the Younger* discloses,

¹²⁹ e.g. *CJ* 1.11.10.3, 5 specifically mentions rural Pagans. Other examples include John of Ephesus in Ps.-Dionysius of Tel Mahre 77 (= *EH* 2.44–5), *EH* 3.3.36, *LOES*, *PO* 18.681. (Further refs. in Witakowski see nn. *ad loc.*) For John, see Bowersock (1990), 1–3, and Trombley (1985). For 6th-cent. Paganism elsewhere in Asia Minor, note temples to Iphigeneia and Artemis at Comana (*Wars* 1.17), and a famous cult of Apollo near Magnesia (Robert 1987). John of Ephesus' extirpation of tree cults is paralleled e.g. by Nicholas of Sion's 'exorcizing' a tree (*Life* 12–15), and similar activities on the part of Theodore of Sykeon (*Life* 13–14), of Symeon the Younger (*Life* 166), and in Sicily at Tyndaris (Gregory, *Registrum* 3.59, 5.38). Note too the cult of Artemis Eleuthera (Trombley (1985), 334; Robert (1955), 197–9). The 6th-cent. Ps.-Nonnus reports (39.2) that 'foolish Hellenes' still 'mutilated' (= castrated?) themselves in Caria, where we know Paganism was influential in Aphrodisias up until at least the late 5th century: Pagan terminology survives on dedicatory inscriptions there until 529. (Zacharias, *Life of Severus* 39 ff; Roueché (1989), 85–93). More generally, Bowersock (1990), ch. 1; Athanassiadi (1993); Trombley (1985); Michael Whitby (1991); with Mitchell (1993), vol. ii, for the archaeology.

¹³⁰ Mitchell (1993), ii. 118–19 portrays these figures—70,000 (*EH* 2), 80,000 (*LOES*, *PO* 18.681)—as only a small proportion of a population spread over 4 provinces (and 30 years). However, if the figures represent heads of households whose dependents would follow them (MacMullen (1997), 199) then pre-existent Paganism was more widespread. MacMullen conceded, however, 'certainty is not within reach'. Even so, 2,700 converts, more than three villages a year (Trombley's calculation (1985), 331 n. 25), and a corresponding number of new churches, suggest (at least) a significant minority in areas where John's helpers found the going arduous (*LOES* 18.659).

¹³¹ John of Ephesus, *LOES* 18.

¹³² John the Lydian, *de mensibus* 4.10.

¹³³ Ps.-Joshua, 27, 30, 33, 46. For the possible identity of this festival with the Maiuma and Brytae celebrated elsewhere in the East: see Trombley and Watt's edition of Ps.-Joshua, *Chron.* (2000), pp. xvi–xvii.

¹³⁴ Severus, *Hom.* 124, *Hymn* 269; Jacob of Serug, *Hom.* 5; Evagrius, *EH* 1.11. Barnes (1996), Lim (1997a).

amongst other evidence of continuing Paganism, that there remained at least two predominantly Pagan villages near the city—and probably many others.¹³⁵ Such survivals help explain the ferocious activities throughout the East of Amantius, whose action against the Samaritans we know of independently.¹³⁶ He allegedly found on arrival in Antioch (around 555) the ‘majority of the leaders of the city’, including clerics, preoccupied with “‘Hellenism”, Manichaeism, astrological practices, automatism and other hateful heresies’.¹³⁷ The style of this *Life* is high-flown; the wrongdoers probably also included Miaphysites—*heterodoxoi* (heretics) are mentioned—and Christians who used magic in private. Yet the references to the burning of ‘idols with their polluted accoutrements’, recalling the purge of ‘Hellenes’ and the burning of their books and religious paraphernalia in Constantinople in 562, as at Alexandria earlier in the century,¹³⁸ suggest that Amantius’ victims included many Pagans. No surprises here: the *Life* contains numerous further references to prominent Pagans in the city. That they were still numerous in Antioch is confirmed by Evagrius’ throwaway reference to his complaint to Symeon the Younger on his pillar: he was perplexed that he had lost his children to the plague, although ‘this had never happened to Pagans with many children’. Their existence is taken completely for granted. He was merely rebuked for his lack of faith.¹³⁹

Ps.-Dionysius of Tel Mahre provides further evidence, under the year 554/5, for ‘the innumerable sacrifices, votive offerings and oblations to the demons which took place continuously’ in the temple at Heliopolis (Baalbek) up the Orontes from Antioch—despite the reissue of the ban on sacrifice in the *Code*.¹⁴⁰ This was a temple complex of which, he reports, the locals were proud—it remains awesome. Ps.-Dionysius offers striking testimony to the authority of the old gods: ‘nobody was able to destroy it or put an end to the error of the worshippers of idols’—notwithstanding earlier Christian testimony, by Eusebius no less, that the complex had gone. This must reflect a combination of strong local Pagan feeling—including on the part of local notables, combined with the absence of sufficient Christians of the kind who had smashed the Serapaeum in Alexandria in 391. This generated, one presumes, the consequent reluctance of the authorities to provoke an expensive conflict in a strategically important and rich area. It apparently took God’s personal intervention, in 554/5, to destroy it by fire, although the city seems to

¹³⁵ *Life of St Symeon the Younger*, ed. van den Ven, who argues for a 555 date. On Pagan villages, Whitby n. 67; on Evagrius, *EH* 5.18.

¹³⁶ *Mal.* 487.

¹³⁷ *Life of St Symeon* 161.4.

¹³⁸ n. 18 here. Zacharias, *Life of Severus* 17.

¹³⁹ Evagrius, *EH* 6.23.

¹⁴⁰ *CJ* 1.11.7—also a warning not to assume the universal application of the anti-Pagan measures cited at n. 48.

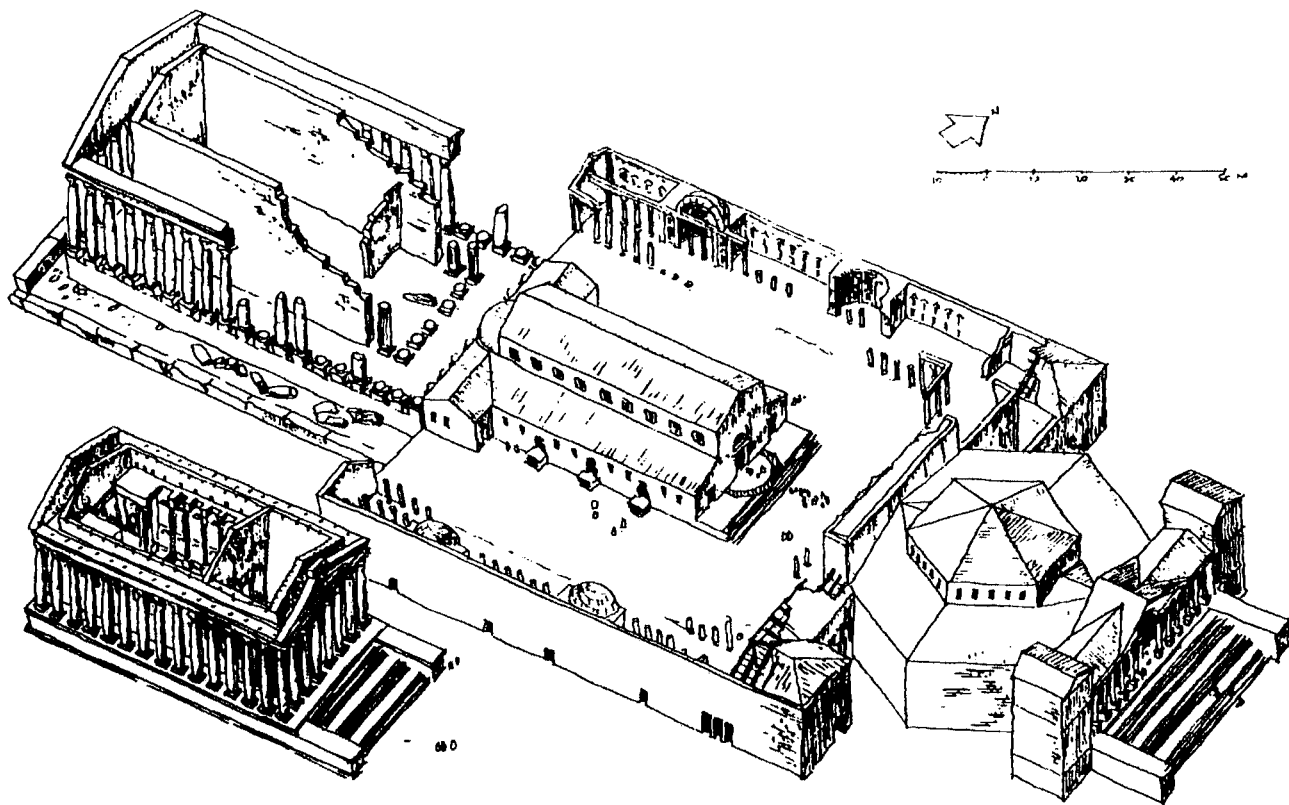


Fig. 5.5 Reconstruction of the temple complex at Baalbek, with Christian church (traces now removed), in the late sixth century (from Ragette 1980).

have remained a centre of Pagan cult until at least 579; John of Ephesus claims Tiberius II then put an end to the Pagan population there.¹⁴¹ At some point, however, a basilica was indeed built on the site which perfectly symbolizes the triumph—or at least the claim to have triumphed—of the new Christian order. This is shown in Fig. 5.5.

This picture is reinforced when we look at the East as a whole, as represented in two slightly differing versions by Evagrius and John of Ephesus of events in Syria (as well as Constantinople) under Tiberius II between 577 and 588. Notwithstanding his hostility to neo-Chalcedonians, John's version establishes that, even at this late date, Paganism was still entrenched not only in Baalbek, but *throughout* the Syrian provinces. That sacrifices to Zeus could take place, apparently openly, in Edessa, the centre of the Syrian Church, to the end of the sixth century says all that is necessary. Note too that senior members of the imperial administration there, including the *comes orientis*, could at least plausibly be accused of Paganism—as could the patriarch of Antioch.¹⁴²

The full story of these events may be irrecoverable.¹⁴³ 'Paganism' was a politically useful charge against one's opponents, including by Miaphysites against neo-Chalcedonians.¹⁴⁴ Action against Pagans was also useful for the authorities in rallying Christian opinion behind the regime: Justinian's purges of 529, 545–6, and 562 either anticipated initiatives seeking to reconcile Miaphysites or helped consolidate his rule at especially difficult times;¹⁴⁵ Peter Mongus exploited a drive against Pagans in late fifth-century Alexandria to unite the Christian factions behind him.¹⁴⁶ On the other hand, two features of these goings-on in Syria between 577 and 588 are of wider significance: first, the Christian militancy of the wider populace in Constantinople—suggesting we should not overstate the 'Hellenism' of the masses of the first city; second, the way in which so many of those accused of Paganism belonged, as Rochow puts it, to the 'upper class', reflecting John of Ephesus' statement that 'the

¹⁴¹ Ps.-Dionysius of Tel Mahre, 130, with Witakowski's n. *ad loc.* Michael the Syrian also notes two earthquakes around the time of the destruction, in 526 and 561. For the untrustworthiness of Church historians on the death of Paganism, note Eusebius' premature reports of the temple's closure under Constantine (*Life of Constantine* 3.58); Mal. (344) reports Theodosius I as having destroyed the Pagan temple in 379 and made it into a church, as part of a larger programme of temple destruction. John of Ephesus, *EH* 3.27, and Evagrius, *EH* 5.18 with Whitby's n. 62 *ad loc.*, bring out the complexity of religious politics, also involving alleged Pagans in Antioch around this period. Van Ess and Weber (1999) for an illustrated account of the site's development.

¹⁴² We should, however, aim off for John of Ephesus' animus against Gregory, the patriarch.

¹⁴³ As Bowersock (1990), 39 suggests, but Liebeschuetz (2001b), 268–9 tries, building on Rochow (1981), Michael Whitby (1991), and Trombley (1993–4).

¹⁴⁴ Rochow (1976, 1981), also Liebeschuetz (2001b).

¹⁴⁵ As Michael Whitby (1991) shows.

¹⁴⁶ Zacharias of Mitylene, *Life of Severus* 34ff.; Haas (1997), 323–30.

majority of the Senators were amongst those accused',¹⁴⁷ thereby threatening the regime itself. We may suspect, as happened in Sardinia, that such grandees may have at least tolerated Pagan practice on their estates—or were open to accepting bribes to allow Pagan practices to continue.¹⁴⁸ This encourages us to see (some of) the popular resentment at the initial leniency of the imperial authorities not only in class terms, but also—thirty years after the Justinianic purges of intellectuals—as evidence of continuing religious, even political, 'unsoundness' on the part of the classically educated upper classes.

Moreover, apart from what we know about the survival of predominantly Pagan towns like Heliopolis or Harran (where Paganism later found in Tabit ben Kurra an articulate Syriac-speaking defender, and survived into Islamic times—as probably did descendants of some of the Athenian Platonists), even slanderous charges have to have *some* plausibility.¹⁴⁹ 'If Justinian believed there was a problem, there was!'¹⁵⁰ The *Homilies* of Jacob of Serug confirm this impression in their references to the impropriety and 'Hellenism' of the theatre, which was clearly attended by Christians, but also to continuing widespread Paganism, including in the already noted Antioch, Edessa and Harran, more hilltop shrines, and a valley dedicated to Heracles.¹⁵¹

Continuing clockwise to Egypt, evidence for the survival of Paganism in the sixth century, as opposed to the survival of classical culture in imaginative literature and visual arts, is less extensive—so far as the great urban and temple cults are concerned, that is.¹⁵² Nevertheless Trombley exposes Pagan practice as late as the eighth century,¹⁵³ while Bowman concluded that 'Paganism survived with some vigour amongst the Hellenized Egyptians into the fifth

¹⁴⁷ John of Ephesus, *EH* 5.17.

¹⁴⁸ Gregory, *Epp.* 4.23, 7.8 (Landlords); 5.38 (bribe taking). Michael Whitby (1991) speculates that John of Ephesus may have targeted some of his victims in the capital in 546 on the basis of what he had learnt from their tenants during his earlier missionary activity in SW Asia Minor.

¹⁴⁹ Bowersock (1990), ch. 3, for the vitality of Paganism in late antique Syria generally. Athanassiadi (1993) for a school which continued, under Islam, to introduce Greek philosophy to the Muslim world.

¹⁵⁰ Michael Whitby (1991), contra Allen (1981), is right to dismiss those who see (all) such charges as trumped up. Neither Justinian (nor Procopius) appears to have had doubts: *CJ* 1.11, *SH* 11.31.

¹⁵¹ Jacob of Serug, *Hom.* 3, 5 (theatres); Markus (1990), ch. 8. *Hom.* 5 illuminates the cultural ambiguities and coalescences of our period, including within the 'Christian' community, between rigorists like Jacob and others: it tries to represent the misguided views of Christians who frequented such shows—allegedly 'for a laugh'. Ps.-Nonnus 5.19 explains that other aspects of 'Pagan' culture, notably *phalloi*, were still in use on stage and in the Dionysia, also condemned by the Council in Trullo, canon 62.

¹⁵² Bagnall (1993), 252–3; Bowersock (1990), ch. 5; MacCoull (1988) for Pagan imagery in Dioscorus et al. For the 5th, however, we have Shenute's harassment of Pagans: Barns (1964), 151–9.

¹⁵³ Trombley (1985), including the *Miracles of John and Cyrus* (crypto-Pagans in early 7th-cent. Alexandria), Nile river cults in 8th cent.

and even sixth centuries . . . the literary men of Panopolis, the philosophers in Alexandria are its most conspicuous representatives'.¹⁵⁴ He did not, however, cite Zachariah of Mitylene's *Life of Severus*,¹⁵⁵ whose hero came from a Pagan background in Asia Minor. This *Life* reports, as well as physical evidence of Pagan cult in Menouthis, Christian and Pagan students fighting in the city—to the embarrassment of the Pagan governor (*augustalis*) and his legal adviser (*assessor*). It also describes how his hero and fellow enthusiasts later engaged in the 'freelance' persecution of Pagans in Berytus (mod. Beirut).¹⁵⁶ Barsanuphius has already reminded us that many remained later in the century. But it is David Frankfurter who casts most light on religious developments in Egypt—I would argue, by extension, of the Eastern Empire more generally: while the great political and urban cults declined, Pagan beliefs and practices persisted for far longer in a family and village environment, while at the same time being modified, even transformed, in response to the continuing pressures of Hellenic culture, Roman authority, and Christianity itself.¹⁵⁷

Moving north-west, across the sea, to Greece, we find strong evidence of Pagan practices. Nor should we assume here either that the decline of monumental Paganism, reflecting *state* preference and finance, is a reliable indicator of *private* practice and belief. One example, despite the growing strength of Christians in Achaea, is the continued existence of the 'Fountain of Lamps' in the provincial and religious capital, Corinth. Here into the sixth century, the 'Angels below' received votive offerings in their thousands, including some from Christians.¹⁵⁸ In Attica, from the sixth century, evidence of Pagan cults, now excluded from temples, can be found in caves.¹⁵⁹ To this, add the paucity of evidence of Christian activism in mainland Greece and its neighbourhood. Although there are signs of substantial church building in, say, Epirus Vetus up to the mid-sixth century,¹⁶⁰ our sources are generally silent about monasteries (and their abbots) in southern and central Greece before the Iconoclastic period, with the exception of a few tombstones and a single (fifth-/sixth-century) inscription from Argos.¹⁶¹ On

¹⁵⁴ Bowman (1990), 198.

¹⁵⁵ Zacharias of Mitylene, *Life of Severus* 6.

¹⁵⁶ Zacharias of Mitylene, *Life of Severus* 16.

¹⁵⁷ Frankfurter (2000). Bowersock (1990) for pagan assimilation of Christian (and Hellenic) religious ideas in 'Greater Syria'.

¹⁵⁸ Rothaus (2000), esp. 135. For similar lamp dedications at Ephesus: Foss (1979), 11, 8, 5. Sozomen, 24. 3–6 for Jewish, Christian, and 'Hellenic' participation in a well cult at Mamre. Also Foss (1979), 32 for 'Hellenes' digging up remains from the (ruined?) temple of Artemis. Giving 'divine honours to tombs' etc. albeit at a slightly earlier period: Isidore of Pelusium, PG 78. 217.

¹⁵⁹ Caseau (2004); Frantz (1965).

¹⁶⁰ Bowden (2003), ch. 6.

¹⁶¹ I am grateful to Dr George Deligiannakis, now of the Open University of Cyprus, for showing me his Oxford M.Phil. thesis, with full evidence.

the other hand, the eighth-century law code, the *Ecloga*, judged it expedient to prescribe death for apostates, including those sacrificing at Christianized ancient cult centres (like Lykosura); *On the Administration of the Empire* reports that the (non-Slavonic) 'ancient Roman' inhabitants of the Mani were still called 'Hellenes' on account of their former Paganism, from which they had only been converted in the reign of Basil I (r. 867–86).¹⁶² The natural inference is that only limited progress had been made by Christianity in mainland Greece—even before Slav incursions made the task of conversion harder—while talk of Christian 'triumph' is simplistic here also.

The measures against the 'School of Athens' and the purges of Pagans, amongst other literate professionals, in 528–9, 545–6, and 562, have accordingly an added prominence. The first is interesting: less for the details of the closure than for its symbolism and its need to be seen in the context of an empire-wide pogrom against Pagans.¹⁶³ With the exception perhaps of Alexandria, the school was then unique in the period as an institution capable of formulating and sustaining a dissident ideology from that of the emperor (and churches); it served as the hub of an elite network of philosophers and their pupils across the Eastern Mediterranean (such as bishops could also operate);¹⁶⁴ it was also presumably able to use patronage in promoting the careers of former students, as Libanius had done so assiduously; and, in the period immediately before the closure, it had enjoyed a revival, unwelcome to the regime, under the leadership of Damascius.¹⁶⁵

For the wider purge of intellectuals, we have, for example, epigraphic evidence of action taken in Sardis against 'the unholy and loathsome Hellenes', with an incomplete list of names, which again suggests Pagans were by no means mythical beasts, as well as literary evidence from Barsanuphius in

¹⁶² *Ecloga*, App. 4.20: 66–7; Constantine VII Porphyrogenitus (r. 945–59), *De Admin. Imperio*, 236. Trombley (1985) provides material for even later centuries.

¹⁶³ *CJ* 1.5.18. 4–5, 1.11. 9–10; Mal. 451; Agathias 2.30. The details do not concern us—see Alan Cameron (1968); Averil Cameron (1993), 132–6; Watts (2004); and Wildberg (2005) with full bibliography. However, they were clearly crippled: thus Lemerle (1971), 71: 'even if the ban which Malalas tells us was imposed by Justinian against the Athenian teachers was of greater symbolic than actual significance, it remains the case that the struggle against Paganism and religious intolerance bore their fruit'. (The penalties prescribed in *CJ* 1.11.10 are, however, far from symbolic.) It is similarly unimportant (as Watts argues) whether the measure reported by Mal. is separate from, or a local gloss on, the generic anti-Pagan legislation of *CJ* 1.11.10, or represents local conflicts in Athens/Achaea. Wildberg argues that the government was then targeting all 'deviants' in public positions and, in effect, giving carte blanche to local governors to deal at will with rich and educated 'Hellenes'. One should also set all such measures in the context of Justinian's *policies* to legitimate his rule, discussed in Ch. 6.

¹⁶⁴ Wildberg (2005) highlights the diverse geographical origins of many of the known philosophers of the period, including those who left for Persia in 531.

¹⁶⁵ Athanassiadi (1993).

Palestine.¹⁶⁶ We also possess the bishop John of Ephesus' account of his energetic persecutions in the higher circles of the capital. Amongst his victims in 546, tortured until they denounced each other, all designated as Pagans, were 'famous persons, nobles'—including a former praetorian prefect, Phocas—'and others: *grammatici*, sophists, *scholastici*, and physicians'.¹⁶⁷ It was to this group, a probable audience for Procopius, John the Lydian, other classicizing writers of the period, and, depending on when it was written, the author of the *Dialogue on Political Science*, that Zosimus had belonged in the previous generation. He was a lawyer, despite the legal ban on non-Christians;¹⁶⁸ he had retired as a 'count' (*comes*). He was almost certainly less eccentric in his religion than in his 'religiously incorrect' writing. Such measures should be seen in conjunction with Justinian's general 'educational' policies, the curtailment of funds payable to teachers generally, later book burnings, and the ferocious sanctions imposed, together with the encouragement of informers. They all help explain the jitteriness of Procopius, or John the Lydian, with his sense that 'men of letters' (*logikoi*) were falling from favour.¹⁶⁹ Unsurprisingly, Zonaras, admittedly a late source, described these policies, incomprehensible unless there was a perceived link between literary culture, Paganism, and probably political disaffection, as producing 'boorishness' (*agroikia*) within the empire.¹⁷⁰ This view was later shared by those Arab scholars who believed Christianity had destroyed philosophy and the intellectual sciences of the Greeks.¹⁷¹

Although we can only fully understand the timing of the various Justinianic purges by reference to the prevailing wider political conjuncture, as well as to catastrophes like the plague or earthquakes,¹⁷² their purpose would have been nullified had there been no (prominent) Pagans (of some description) to purge and all charges obviously fictitious. No one suggests that homosexuals, 'heretics', even Manichaeans, other targets of purges, were non-existent. There is no reason to suppose that Pagans were either.¹⁷³

¹⁶⁶ *I. Sardis* 19, to be dated after 539: Roueché (1989), 147–8. For the Sardis language, compare *CJ* 1.11.10: 'those sick of the sacrilegious illness of the Hellenes'. n. 53 for Barsanuphius.

¹⁶⁷ John of Ephesus in Ps.-Dionysius of Tel-Mahre, *Chron.* 3.76–7. The account in Mal. 449 is abbreviated; even when supplemented by Theophanes, *AM* 6022, it remains unclear who was murdered.

¹⁶⁸ *CJ* 1.4.15 (Leo).

¹⁶⁹ Education: *CJ* 1.5, 1.11. Economies, book-burnings: *SH* 26 1–2; Zonaras, 14.6.31–2. Informers: *CJ* 1.5.18.10–11. John the Lydian: see n. 197.

¹⁷⁰ Zonaras, 14.6.31–2.

¹⁷¹ Arab views: el-Cheikh (2004), 104.

¹⁷² See Ch. 6.

¹⁷³ *CJ* 1.11, 16. Jones (1964), esp. 938–43, who recognized that the same argument holds of the Justinianic—and earlier imperial—anti-Pagan legislation as a whole.

SECTION 4—A CHRISTIAN EMPIRE

The importance of ideological cohesion

We can relate these (religious) ideological conflicts, in systemic terms, to the deeper structures of the empire; show why they went beyond the 'merely' cultural or symbolic; and, finally, see intrinsic strengths of the increasingly dominant Christian 'hegemonic ideology', over and beyond the power of the regime to crush, intimidate, or seduce religious deviants.

Notwithstanding the persistence of traditional upper-class values, social practices, even aesthetic preferences, which reflected the continuing, even increasing dominance of the upper classes in the wider political economy,¹⁷⁴ our starting point is that ideological conflicts were nevertheless problematic in political, not simply religious, terms. The gradual decay of a shared public discourse and behaviours which accompanied the rise of Christianity (and Christians) to prominence threatened the consensus necessary to sustain political cohesion in an era of great social and other strains.¹⁷⁵ This becomes clearer when we recall the political function of high culture in pre-modern (as well as modern) societies of 'consecrating', in Bourdieu's phrase, the ruling elite. Sometimes spread thinly over vast areas—China, the 'House of Islam', the Roman Empire, the clerisy in the medieval West—such elites, by sharing in and developing a common ideology, made possible societies otherwise unsustainable, given pre-modern communication and transportation technologies.¹⁷⁶ The integrative, political role of *paideia* and its initiates in 'constructing' the elites of the late empire was of the first importance: not only did it consolidate a dominant social group (or class) with a keen sense of its own identity, who dominated the coercive (and wealth-producing) institutions of the empire, it also—as a shared public discourse—tended to mask the split in the elite between Pagan and Christian. This was changing by the sixth century.¹⁷⁷ The passionate interest in 'educational policy', and who should be the teachers, shared by imperial religious enthusiasts like Julian, or Justinian later, is partly explained by the political imperative of ensuring an ideologically homogenous (and potentially more uniformly loyal) ruling elite, able to sustain and develop the kind of normative consensus—and political cohesion—which emperors sought.¹⁷⁸

¹⁷⁴ For the Christian appropriation of Pagan theological ideas, and their persistence: e.g. Stead (1994); for the aesthetic: Cormack (1997), Elsner (1998).

¹⁷⁵ Chs. 3, 4, and 6.

¹⁷⁶ Crone (1989), ch. 5. See also Mann (1986), 20.

¹⁷⁷ P. R. L. Brown (1992), captures the link between education, culture, and *power* (on an empire-wide basis) to be found in e.g. Foucault or Bourdieu. Heather (1994) for the creation of a new empire-wide ruling class, the 'New Constantinians', with a shared political ideology.

¹⁷⁸ For Julian, Amm. Marc. RG 22.10.7. It is striking that as early as the late fourth century, Julian sees Christian teachers as a problem.

In no comparable society does there appear to have been more than one such 'hegemonic' ideology, at least in the long run. There were certainly 'sub-conflicts'—sometimes damaging—*within* such ideologies, including Christianity (later Islam), which reflects the fact that even a hegemonic ideology backed, as in the Eastern Empire, by the full force of imperial authority, is regularly so challenged and subverted that it has constantly to be restated and renegotiated by those who benefit from it. This perspective allows for the existence of numerous competing (here Christianizing) discourses within a wider ideology, as well as for resistance, reappropriation, and change.¹⁷⁹ This we would expect, given the character of ideologies as tools for influencing public policy and articulating the interests of social groups. But different dialects, as it were, of the same discourse are one thing. The long-term coexistence, as opposed to short- or medium-term conflict within a society, between two (or more) potential hegemonic ideologies seems rare, certainly in antiquity. The evidence for such ideological conflict can be hard to interpret: it ranges over religion, culture, social class, and status. But there is no doubt of its scale—aggravated by a range of other social and political strains—in the mid-sixth century, whether in the capital or the provinces and at all social levels. The legitimacy of the emperor and his regime was clearly in question, in varying degrees, from his accession to its end in 565. This we address in Chapter 6; here we focus on the conflict between the traditional Pagan culture of classical antiquity and its ever more successful Christian adversary, which had been under way since the conversion of Constantine two centuries earlier. As an Italian sociologist recognized, 'if an old religion declines or a new one is born... then simultaneously far-reaching dislocations occur in the ruling class', which require resolution one way or another.¹⁸⁰

The decline of *paideia*

We should see the various sixth-century purges of Pagans and intellectuals more generally neither in isolation nor in narrowly religious terms: they were attempts to damage, at its roots, the traditional *paideia*, including the equivocal 'Hellenism' it fostered, together with the interests of elite groups whose status, identity, and power were bound up with it. The measures taken by the regime 'hastened the decline of classical learning and replaced it with more acceptable and less subversive forms of learning'—which does not exclude

¹⁷⁹ See e.g. Ch. 4.1 and 4.3 for Miaphysites and Chalcedonians; recurrent conflicts between the papacy and the emperor over the latter's claims to religious authority; or, later, between those who, while accepting the emperor's right to rule over all men, like Maximus the Confessor (e.g. *Ep.* 10), did not accord him any *doctrinal* authority: Dagron (2003), *passim*.

¹⁸⁰ Mosca (1939), quoted in Mann (1986), 15.

their also demonstrating the emperor's Christian piety or providing scapegoats for the disasters of the reign, including, from 542 onwards, the irruption of bubonic plague.¹⁸¹ 'Hellenism' does seem to have been perceived as a threat, whether in theological terms—where its persecution equates to scapegoating a despised (and feared) 'out-group' and frustrating the regime's aspiration to an empire based 'on the firm foundation of a single faith'¹⁸²—or as reflecting the interests of elite groups hostile to the regime, whose interests were bound up with it once again via the traditional *paideia*.¹⁸³ These arguments are strengthened to the extent one regards (many of) the imperial elite, including the emperor and certainly his wife, as potentially vulnerable outsiders in terms of this high culture.¹⁸⁴

Such social engineering was scarcely worthwhile if targeted groups were not in some way perceived as dangerous 'out-groups'. A threat to the cultural and political hegemony of Justinian and his allies also lay in the continued existence of a classically educated elite who provided an audience for 'deviant' intellectuals: the young John the Lydian, for instance, spent a 'gap year' listening to a Pagan philosopher.¹⁸⁵ This suggests a further reason why Pagan philosophers were taken seriously not only by philosophical opponents—such as John Philoponos¹⁸⁶—but by the government. Nor was Platonic philosophy intellectually moribund:¹⁸⁷ in the *Dialogue on Political Science*, for instance, what seems at most a lukewarm Christianity is married to a predominantly Platonic, and original, constitutional schema critical of the Justinianic regime.¹⁸⁸ Moreover, 'only in the philosophical milieu did polytheism offer something that resembled the religious communities fostered by scriptural traditions'.¹⁸⁹ We have already noted the School of Athens' reach across the educated Mediterranean, from Alexandria to the capital; it had been the stable institution in late antique Athens until its closure, and a source of the city's prosperity;¹⁹⁰ its leaders, lacking a church, could not aspire to the status of martyrs, but could be represented as (quasi-)saints in a Pagan hagiography, possessing a moral stature and gifts of healing equal to any Christian saint.

¹⁸¹ Quotation: Averil Cameron (1979). For scapegoating etc., Meier (2003), 587–99, who stresses *JN* 77 and 141, both targeting homosexuals (and blasphemers) in this context, as in part a reaction to the outbreak of plague in 542. For the 'politics of piety', see Ch. 6. Bourdieu (tr. 1984) for the sociopolitical significance of aesthetic preferences.

¹⁸² *Bldgs.* 1.9.

¹⁸³ Ch. 6 here.

¹⁸⁴ -*do.* -

¹⁸⁵ *de Mag.* 3.26.

¹⁸⁶ He criticized Simplicius' view of the eternity of the world (John Philoponos, *de Aeternitate Mundi contra Aristotelem apud Simplicium*).

¹⁸⁷ See e.g. Sorabji (1987) for its intellectual strengths. Wildberg (2005) registers the volume of philosophical production in Justinian's reign.

¹⁸⁸ Bell (2009), for the imperial critique in the *Dialogue on Political Science*.

¹⁸⁹ Fowden (1999), 85–7, with details.

¹⁹⁰ Frantz (1965).

This was reinforced by a gift for invective, worthy of a bishop, against their Christian opponents 'who had pulled down and trailed on the ground the Divine that is in us'.¹⁹¹ It is unsurprising that the School of Alexandria only managed to survive by a 'shameful deal' done by its last Pagan head Olympiodorus (d. c.564/5) with the authorities, and then only briefly.¹⁹² In fact, any philosophy was dangerous from the standpoint of the regime. Even Christian philosophers could generate ideological deviance and strengthen opposition to fundamental imperial policy: John Philoponos may have defended orthodoxy against Proclus, but only robustly to attack, from a Miaphysite position, the Council of Constantinople II.¹⁹³

Moreover, while Paganism (if one may so generalize about a wide range of beliefs and practices) as such had been no *direct* political threat, at least since the failure of Illus' rebellion against Zeno in 484, the survival of 'Hellenism' remained problematic for the regime.¹⁹⁴ That revolt had not been an ideologically sustained Pagan movement, but it had committed Pagan supporters.¹⁹⁵ Nor can we discount, although we cannot quantify, the importance of such beliefs—and the griefs of those who held them—in intensifying opposition to other aspects of government, including fiscal exactions, in the provinces. Against a backdrop of environmental, military, and political crises, *any* social fissure represented a weakness capable of exploitation. Pagans—and classically educated Christians—were, for example, open to appeals based on their shared Hellenic culture, as Zeno's opponents in Antioch perceived; earlier, in Apamea, the Persian king Chosroes had deliberately supported the rival circus faction to that of the emperor during his occupation of the city; and, during a later occupation of the Levant in the early seventh century, the Persians were to favour Nestorians and Jacobites, a species of Miaphysite.¹⁹⁶

The decline of the traditional 'Pagan' high culture was progressive. We see this working to the advantage of Christianity not only through the cumulative effects of the legal and social pressures imposed since Constantine, but from John the Lydian's resentment that the dominance in the service of men with his cultural orientation, those *logikoi* again, was over.¹⁹⁷ At least some of the

¹⁹¹ Porphyry, *Life of Plotinus*; Marinus, *Life of Proclus*; Damascius, *Philosophical History/Life of Isidore*. Quotation from Syrianus (Damascius, *Philosophical History*, fr. 32). More generally, Athanassiadi (1993), on the 'military spirit' of the School, with extensive citation.

¹⁹² Damascius, *Philosophical History*. Sorabji (2005) argues the deal was that philosophers would not criticize Christianity, in return for official funding. It may also reflect the presence of influential *Christians* in the school, e.g. Zacharias and Philoponos.

¹⁹³ John Philoponos, *de aeternitate mundi contra Proclum*. (529). For this, and more generally, Chadwick (1987), with sources.

¹⁹⁴ *PLRE* ii, s.v. Illus 1.

¹⁹⁵ Zacharias, *Life of Severus* 39–41.

¹⁹⁶ Appeal to Pagans: Downey (1961), 492—with which Bowersock (1990), 39 concurs. Chosroes: *Wars* 2.11.31–5; Persians: Michael the Syrian, 10.25. Liebeschuetz (2001b), 259.

¹⁹⁷ *De Mag.* 3.54.

venom which he, like Procopius, directs at such 'new men' as John the Cappadocian and their clients, reflects this wider change in the ruling elites and their alleged poor, that is non-traditional, education. A similar lament lurks within the *Dialogue on Political Science*: here the recruitment of 'new men' of talent to the ruling class of *optimates* (*aristoi*) is welcomed. But they are to be distinguished from, and subordinated to, those whose position is underwritten by not just their ability, but their *paideia*, which covers both education and breeding. Able men like John the Cappadocian are needed, that is—but must not run the show.¹⁹⁸

We also see some of what was going on (and why) from posing the 'first-person' question of 'Why should I put my son through the rigours of obtaining a pukkah classical education—at substantial personal cost?' The prime justification had always been self-, or family, interest. Hence in the West, outside Italy at least, the gradual collapse of the administrative structures of the empire from the fourth/fifth centuries meant there were ever fewer high-earning administrative careers requiring mastery of the practical literary and rhetorical communication skills that were an intrinsic ingredient of the social superiority and group identity that an expensive education bestowed. Result: effective collapse of traditional Latin literary culture.¹⁹⁹ Nothing so radical happened in the East: the cities survived as economic and administrative centres, despite cultural transformations—so did official careers.²⁰⁰ But it is debatable how far the rewards now justified the expense or, in the aftermath of the Justinianic purges and the continuing hostile legal framework, the risks²⁰¹—or whether other approaches might not represent better value for money, like that of Theodore of Sykeon's mother, preparing her young son for an official career without any traditional education. His later career demonstrates how the traditional *paideia* was no longer—one recalls John the Lydian's 'as formerly'—the indispensable *grande porte* to well-remunerated official careers and distinction, whether as bishop or indeed saint. We have seen that Justinian, who placed such reliance on bishops as his personal agents and support, only required basic literacy as a qualification.²⁰²

John the Lydian illuminates further. Coming from the 'gentry' of Philadelphia, he was proud of his learning; he attended lectures on philosophy in Constantinople.²⁰³ He prided himself later on literary talents and achievements. But, literacy apart, did he *need* these additional skills, first as an *exceptor* or in his later career? Doubtless he found his linguistic facility useful—just as I found the skills acquired in writing a 'Greats' essay as an Oxford undergraduate helped in Whitehall. But there were diminishing

¹⁹⁸ *Dialogue* 5.31.

¹⁹⁹ Wickham (1984), 3–36.

²⁰⁰ Whitrow (1996).

²⁰¹ After the purge of 529, Mal. 445 comments that 'fear was great'. More purges were to come. See Ch. 6.1.

²⁰² *JN* 6.4.

²⁰³ *De Mag.* 3.26.

returns for parents spending large sums for, in British terms, a 'public school education', which, at its higher levels, may have been increasingly unavailable anyway, thanks to the purges of teachers and intellectuals. A combination of patronage, 'pull', and the secondary education provided by a provincial *grammatikos*, followed perhaps by a vocational law school, might achieve equivalent results more cheaply. Theological literacy was also becoming a mark of elite membership. A literary education may even have become a *disadvantage*. John the Lydian, we saw, lamented that 'fortune (*tykhe*) was holding back from learned men, as she had not formerly, so that he came to hate the Service'.²⁰⁴ Later he complains that 'learned men were being denied entry to the (*sc.* praetorian) prefecture'.²⁰⁵

Nor does Syrianus, in his *On Strategy*,²⁰⁶ suggest that an administrator requires a *literary* education: honesty is what is essential and technical expertise. This is what John the Cappadocian's men possessed, but for which they were not loved²⁰⁷, while Justinian concludes the Proem to his *Institutes* with a promise of civil service jobs to those who have diligently studied the law.²⁰⁸ Against this background, we can perhaps see in Paul the Silentiary's *Description of Hagia Sophia* (562) one of the last attempts to reconcile classical with a now-triumphal Christian culture, while the praise of (Hellenic) Reason in the Proem to the last classicizing history, that of the late sixth-/early seventh-century Theophylact Simocatta, acquires a tragic resonance.²⁰⁹

Strengths of the Christian hegemonic ideology—three case studies

We have looked at increasingly active opposition to non-Christians, which included brutal persecution not only of Pagans themselves but also of their 'Hellenic' ideology and culture—including what many in later generations have regarded as the glory of Greek civilization. There is more to be said about both, including the persecution of religious, intellectual, and 'moral' dissidence in response to perceived divine anger and the wider 'catastrophes' of the age²¹⁰—as manifested above all in the plague of 542 onwards. But a balanced account of the ideological warfare of the age cannot ignore *intrinsic* strengths

²⁰⁴ *De Mag.* 3.28.3, my reading: '... τοῖς λογικοῖς, <οὐχ> ὡς τὸ πρὶν, τῆς τύχης ἀπαρεσχομένης...' contra Wünsch and Bandy in their editions: '... τοῖς λογικοῖς <οὐχ>, ὡς τὸ πρὶν...' Carney's (1971) translation, cited by Averil Cameron (1985), 243, implies my amendment, but does not indicate that it departs from the *editio maior*. However, this 'mistranslation' makes better historical sense.

²⁰⁵ *De Mag.* 3.54.

²⁰⁶ *PS* 1–3.

²⁰⁷ *SH* 21.14 is a backhanded compliment to the efficiency of tax collectors, etc.

²⁰⁸ *JInst.*, Proem 7.

²⁰⁹ Theophylact Simocatta, *Histories*, Proem. For Paul, see Bell (2009).

²¹⁰ Explored, however, in great detail by Meier (2003). 'Catastrophes' (Katastrophen) is his term.

of the emergent Christian ideological hegemony, which transcended strains within the wider Christian community. These, supported by the state and much ecclesiastical power, helped it to overcome the still significant, residual opposition.²¹¹

Three 'case studies' help prepare for more general conclusions later. The selection is inevitably personal, but those I have chosen are 'serious' and important writers; all Christian; all the more valuable in not being obviously polemical or vehicles of imperial propaganda; all reflect contemporary Christian attitudes of the period, ones not necessarily confined to the elite; and two of them have featured extensively, though for different reasons, in earlier chapters. Nor do they fall into traditional, Hellenic, literary genres. Thus:

- *Ps.-Dionysius the Areopagite* exemplifies ideological tendencies, notably the promotion of social and political hierarchy, of great importance beyond theology. These also inform the greatest ideological statement of the age, Hagia Sophia.²¹²
- The *Life of Theodore of Sykeon* represents 'the best picture known to us of life in Asia Minor . . . before the Arab conquests'.²¹³
- Malalas' *Chronographia* is the most comprehensive contemporary articulation of an (orthodox) Christian view of world history, which 'arguably reflects the reality of late Roman life more accurately than do, say, the histories of Procopius and Agathias'.²¹⁴

Case study 1—*Ps.-Dionysius the Areopagite*

The works of *Ps.-Dionysius* are doubly precious: they share a wider Neoplatonic culture with many Pagans, thereby making their author a more representative figure, ideologically, than his works in isolation might suggest.²¹⁵ Also his 'apophatic theology' tends to promote social cohesion: if God is intrinsically unknowable and we cannot say anything positive about him (the meaning of 'apophatic'), then (politically) divisive theological—or philosophical—speculation is pointless.²¹⁶ In fact, *Dionysius* is writing in a tradition stressing the unknowability of God which goes back at least to the Cappadocian Fathers and John

²¹¹ Ch. 6. For a fuller account of the ideological 'take over' of the intellectual world: Ingelbert (2001); succinctly, Tate (2004), ch. 8.

²¹² A claim justified in Ch. 7.

²¹³ Dawes and Baynes (1948), 87.

²¹⁴ Croke (1990).

²¹⁵ *Ps.-Dionysius the Areopagite* (1987); Louth's primary focus is (1989) the theology. A. Smith (2004), 125–6, shows how *Ps.-Dionysius* 'Christianizes' the Neoplatonism, especially of Iamblichus and Proclus. Also, with a focus on his political philosophy, O'Meara (2003), 159–71, provides valuable background to what follows.

²¹⁶ This did not, however, preclude divisive discussion of e.g. Christology.

Chrysostom.²¹⁷ Whether he deliberately intended his work to be read in this way, or, by locating salvation solely in the structures of the Church—he avoids explicit political issues entirely, with no exalted or explicit religious role prescribed for the emperor—he was consciously deviating from the imperial version of Christianity, is less important than that his ideas are capable of more than one reading and application, independent of his intention.

All we know for certain is that he was not the convert of St Paul in Athens (from whose name he drew his authority), although he probably wrote in Syria around 500.²¹⁸ He first ‘emerges’ in a letter from Severus claiming him as a Miaphysite,²¹⁹ then in the dialogue between the imperial negotiators and the Miaphysites in Constantinople in 532. However, when quoted to support Severus’ Christology, the chief imperial negotiator, Hypatius, bishop of Ephesus, questioned the authenticity of the alleged citations.²²⁰ But it is unclear, lacking quotations from Dionysius, what Hypatius rejected: specific texts the Miaphysites had adduced, genuine or spurious; or the entire Dionysiac corpus, as Photius implies.²²¹ But whatever doubts circulated about Dionysius’ orthodoxy or the genuineness of his texts, they did not persist: by mid-century, John of Scythopolis was attacking those who ‘dare to reproach the divine Dionysius with heresies’.²²² We may infer that the comfort his teaching brought to religious and later also civil hierarchies, vaporized any doubts about such a reassuring author. By the next century, this ‘most holy and truly divine interpreter’ was fundamental to the thinking of Maximus the Confessor, while Averil Cameron has highlighted the centrality of his work to the discourse of the age, in putting into theoretical terms tendencies long apparent in Christian discourse.²²³

For her, his ‘two fundamental ideas are those of hierarchy, according to which all things human and divine are arranged in a fixed order of authority,

²¹⁷ e.g. Gregory of Nyssa, *Contra Eunomium* 1.683; Basil of Caesarea, *Homily* 23.4; John Chrysostom’s sermons *De incomprehensibili natura dei*. Also *Life of Daniel the Stylite*. More generally Lim (1995), esp. ch. 6.

²¹⁸ Louth (1989), esp. 14, sees a liturgical reference as placing him in Syria, writing at the turn of 5th/6th cent., ‘which fits with everything else we know about him’.

²¹⁹ Severus, *3rd Ep. to John the Higoumen, Doctrina Patrum*, 309, nr. 24 in Allen and Hayward (2004).

²²⁰ ACO 4.2.172–3. For the 532 Discussion, see Ch. 4.3.

²²¹ See Photius, *Bibliotheca* 1 (*Theodore*) expressing ‘in a guarded and tactful way his own scepticism’ (N. G. Wilson *ad loc.*), without explicitly rejecting Ps.-Dionysius’ authenticity.

²²² Pelikan, in his introd. to Ps.-Dionysius the Areopagite, *Complete Works* (1987) summarizes the theological debate, including the appeal of Dionysius to Miaphysites (and others). Neither he nor Louth (1989), reaches a definite conclusion on Dionysius’s Christology, though Louth sees it as possibly calculated ambiguity, although close to the thought of Cyril of Alexandria. For both, his other merits, including the supposed provenance, make him significant. For us, the representative and influential character of his text counts. John of Scythopolis, *Prologue to the Works of Dionysius the Areopagite*. On John, Lamoreaux and Rorem (1998).

²²³ Maximus the Confessor, *The Church’s Mystagogy: Introduction*. Averil Cameron (1991), 214ff.

the underlying principles being order and harmony, and mystery . . . God is to be known by affirmative and negative means—through signs and symbols, that is, not the discourse of human reason and philosophy'. We can, moreover, set our analysis in sixth-century society more widely than in just the Church, and not only by noting how Dionysius' anti-intellectualism—and qualified anti-Hellenism²²⁴—at the symbolic level, complements that of Romanos or the *Akathistos Hymn*.

The Celestial Hierarchy, as graded by Dionysius, does for heaven what John the Lydian does for the civil service and the *Dialogue on Political Science* for its author's ideal, also Platonic and no less hierarchical, imperial constitution. All we lack are details of angels' pay and promotion prospects.²²⁵ We can produce an 'organization chart' of Dionysius' heaven, an 'ideal type' of bureaucracy—and, reassuringly for the higher grades, one where the transmission of instructions is always *down* from God ('All angels bring revelations and tidings of their superiors'²²⁶), the emperor on high, to the lowest of the nine ranks, archangels and angels, of whom the last and lowest deal directly with humans (see the sketch in Fig. 5.6).²²⁷ Such a hierarchical relationship between the *optimates* and their subordinates, is seen in the *Dialogue on Political Science* as

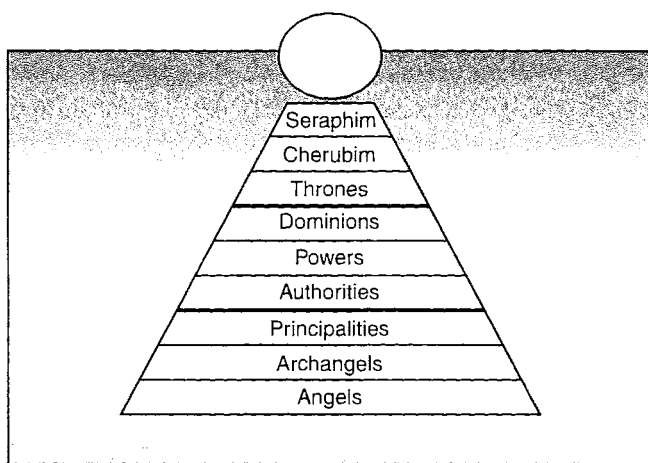


Fig. 5.6 An ideal type of political organization? The Celestial Hierarchy according to Ps.-Dionysius the Areopagite (author's diagram).

²²⁴ Ps.-Dionysius, *Letter 7*.

²²⁵ The infernal powers were (are?) similarly graded: the hermit, Antony, declined to deal with a senior demon (literally, a 'commanding spirit') because he had not yet been counted worthy of power over this 'commanding rank', *Lausiac History* 22. Kelly (2004), 233–45, for further parallels between the earthly and celestial bureaucratic regimes; de Ste Croix (1981), 408.

²²⁶ Ps.-Dionysius, *The Celestial Hierarchy* 273A; *Letter 8*.

²²⁷ Ps.-Dionysius, *The Celestial Hierarchy* 260B.

the model for earthly governance, while the actual terrestrial counterpart of these excellent arrangements is the Church, in which:

The hierarchy, *as an image of the divine*, is divided into distinctive orders and powers in order to reveal that the activities of the divinity are pre-eminent for the utter holiness and purity, permanence and distinctiveness of their orders.²²⁸

A hierarchy like Severus, for instance, familiar with Ps.-Dionysius' work, also saw the church hierarchy as a divinely ordained system, reflecting the *angelic* hierarchy, of which the (almost) superhuman figure of a bishop, like himself, stood reassuringly at the human apex.²²⁹ Such thinking validates and legitimizes, by analogy, social and political hierarchy *of all kinds*, thereby articulating the *habitus* of Ps.-Dionysius' age and society for others to develop further.²³⁰

But the blessings of hierarchy extend more widely: 'order and rank here below are a sign of the harmonious ordering toward the Divine realm'.²³¹ These same musical metaphors are employed by the *Dialogue on Political Science* of the ideal collaboration, 'harmonious, [on the pattern of] a lyre', of the secular hierarchy under the emperor, although this latter work has emphatically not written classical Greek thought out of the cultural agenda.²³² Elsewhere Dionysius emphasizes the necessity of respecting hierarchy. He seems to be thinking in terms of ecclesiastical privilege or sanctity, but what he writes again can apply more widely: one should help a man of superior rank assailed by his inferior '*regardless of what prior wrong [sc. the former] might have done*'.²³³ We learn that God's word gives the title of gods not only to those heavenly beings who are our superiors, *but also to those sacred men among us who are distinguished for 'love of God'*.²³⁴ (This adds new resonance to epithets like 'God-loving emperor', applied regularly by ecclesiastical historians to emperors of whom they approve.²³⁵)

²²⁸ Ps.-Dionysius, *The Ecclesiastical Hierarchy* 508D, 509A. My italics.

²²⁹ SL 1.741 (hierarchy); 1.61 191 (bishops). (Confusingly, in Ps.-D's *Ecclesiastical Hierarchy*, the highest level is made up of *sacraments*, not people, although bishops reassuringly head up the second, human, level. O'Meara (2003), 166–70, provides an explanation.)

²³⁰ Maximus the Confessor read him as opposing all extra-ecclesial hierarchies, especially those claiming to be an engine of salvation, e.g. the Christian emperor and empire. But to treat Ps.-Dionysius as a sectary, dissident, or heretic fails to do justice to the wider light he casts on later Roman society, and is too narrow a reading.

²³¹ Ps.-Dionysius, *The Celestial Hierarchy* 124A. At 273C individuals' capacities—not confined to clergy—are specifically related to their hierarchical standing.

²³² *Dialogue* 5.136.

²³³ Ps.-Dionysius, *Letter* 8. My italics.

²³⁴ Ps.-Dionysius, *The Celestial Hierarchy* 293B.

²³⁵ cf. Procopius: 'When the Emperor is pious, Divinity walks not afar from human affairs, but is wont to mingle with and to take delight in associating with them': *Bldgs.* 1.4.24. See also Ch. 7 here.

This ideology, as presented here, discharging so many functions, with such economy and grace, is hard to beat, not least for a pre-modern autocracy 'poised', in Peter Brown's phrase, 'on God': that is to say, where legitimate authority is expressed, to such an extent, both in theory and in practice, in religious terms. It can also be expressed visually: in the rebuilt cathedral in Edessa, for instance, where 'the form of the nine steps that are placed in the choir, represent the throne of Christ and the nine orders of angels'.²³⁶ The core idea is also caught in the name of the 'shrine to the immaculate host of the holy angels consecrated to the ineffable God' at Pessinus.²³⁷ At the *cognitive* level, it offers a coherent vision of the universe and the place in it of every intelligent being from the lowliest penitent upwards to God—'heretics' and Pagans do not feature, naturally. But it also offers a coherent epistemology, above all of Scripture and God's purpose for the world, in terms of sign, symbol, and 'hierarchical understanding'.²³⁸ Most important, it represents a *closed* intellectual universe 'formed of the Scriptures, the Apostles, the "Ancient Teachers" and the sacraments of the Church'.²³⁹ This, the rational language of Greek philosophy cannot comprehend—but, so the cultural and religious policies of Justinian imply, it could undermine.

Dionysius does not talk, explicitly at least, about the relationship between Church and state, which might have injected a degree of political controversy into his model.²⁴⁰ More important, however, both *politically* and *socially*, is that this model is capable of far wider application. It effectively represents an (idealized) church; but, by extension, we can see the earthly empire as itself a simulacrum of heaven. It thereby legitimized, by implication, the legally defined status structure of a society whose hierarchies included not just the churches and the machinery of government from the emperor downwards, as reflected in the law codes, but also the increasingly bureaucratized management of larger estates and their workers.²⁴¹ Given the evident attraction of Dionysius to Miaphysites also,²⁴² it embodies a theology tending to unite, rather than divide, Christendom. It functions in the same way in regard to social classes and status groups. It does so by providing a model, in the Church, of a centralizing institution comprising one idealized empire-wide universal, but severely hierarchical, community at one with the political status

²³⁶ *Syrian Hymn on the Cathedral at Edessa* l.19, in C. Mango (1986), 59; Palmer with Rodley (1988).

²³⁷ John the Lydian, *de Mag.* 3.74.

²³⁸ Ps.-Dionysius, *The Ecclesiastical Hierarchy* 424C.

²³⁹ Averil Cameron (1991), 217.

²⁴⁰ An obscurity also noted by O'Meara (2003). Nor does Ps.-D. address the controversies discussed in Ch. 4.

²⁴¹ Banaji (2007), esp. ch. 7. Sarris (2004, 2006).

²⁴² For a Miaphysite endorsement of the theory of celestial hierarchies, Jacob of Edessa, *Exposition of the Hexaemeron*, CSCO 92.8, 97.6.

quo.²⁴³ This Church stands open to all believers, whom it invites, and after 529 increasingly coerces, into its participatory embrace.

Finally, at the *affective* level, in offering 'present assurance' to the believer whatever their social status, it is deeply satisfying: partly on account of its intellectual beauty, but also in pointing the believer towards the signs, symbols, and icons then becoming prominent in worship. Moreover, like Hagia Sophia (and its namesake in Edessa²⁴⁴), it takes the believer, as it may have taken Procopius, down the *via negativa* beyond language to the wordless contemplation of the divine mystery.²⁴⁵ It accommodates and justifies mundane (hierarchical) institutional arrangements, but renders them infinitely seductive—again helping create a sense of Christian (hierarchical) community and identity under God (*and* the emperor, who was increasingly regarded as the earthly image, or imitation of God²⁴⁶), when an older Pagan ideology was passing away.

Case study 2—Theodore of Sykeon

Theodore's *Life* (like that of Nicholas of Sion) is notable for the explicit sympathy it shows for the exploited rural masses of the empire.²⁴⁷ His family is portrayed as upwardly mobile—a warning not to conceive of the status or class distinctions of the period as invariably impermeable.²⁴⁸ his mother upgrades from prostitution to gourmet restaurateur;²⁴⁹ his father rises from circus acrobat, almost certainly via factional influence, to civil servant. At six, he was groomed for a civil service career, with no prospect even hinted of the traditional *paideia*. There is no sense either that this is odd or inappropriate. Rather he is later directed to an even more glorious career option, the Church, where he duly becomes a bishop, enjoying an annual stipend of 365 *solidi*.²⁵⁰ He may have resigned his see following conflict with a local notable in defence

²⁴³ Our author seems to have forgotten the egalitarian Pauline view that the Church is one in which there 'is no slave or free . . . Greek or Jew . . . male and female' (Galatians 3:28). But he is not alone in this, then or later.

²⁴⁴ Palmer with Rodley (1988).

²⁴⁵ And in ways that may have sought to promote Christian unity more widely than between Chalcedonians and Miaphysites. (There is, however, evidence of hostility to images in our period: Hypatius of Ephesus laboriously justifies them to another bishop as helping simple souls find God: C. Mango (1972), 116–17.) See Baynes (1955a), *Bldgs.* 1.1.28 and 1.1.47–9 for the total effect of 'indescribable beauty' of Hagia Sophia. Also Ch. 7 here.

²⁴⁶ e.g. Agapetus, *passim*, with Bell (2009). Also Ch. 6.

²⁴⁷ *Life of Theodore of Sykeon*. For commentary, see Festugière's edn. (1970); for social context, Mitchell (1993), vol. ii. *Life of Nicholas of Sion*. John the Almsgiver is similarly portrayed as sympathetic to slaves: e.g. *Life* 33.

²⁴⁸ R. Brown (2000), 326–30: even modest social mobility can make for social stability in an otherwise hierarchical society.

²⁴⁹ *Life of Theodore of Sykeon* (1970), 6.

²⁵⁰ *Life of Theodore of Sykeon* (1970), 58, 78.

of peasants on a church estate, when his worries about the implications of armed confrontation between peasants and urban notables bring to vivid life a kind of class conflict observed in Chapter 3. But he retains sufficient 'pull' in Constantinople to avoid falling under the jurisdiction of his successor—a point illustrated by the use of technical (ecclesiastical) administrative language.²⁵¹ Even the demons he confronts are seized of administrative niceties: they understand Theodore's current status, mock his sordid origins, and claim that he is operating *ultra vires*, in Theodore's case outside his assigned area of responsibility.

Theodore's mastery of earthly bureaucratic procedures is matched by his exploitation of analogous heavenly arrangements. This emerges if one inserts, in brackets, the earthly equivalents of the procedures that lead to his recovery from a serious illness: he prays (petitions)—via an icon²⁵²—to Sts Cosmas and Damian (two influential, here metropolitan patrons with the right contacts), who also saved Justinian,²⁵³ for recovery (redress, tax remission, a government job . . .). The saints act as 'brokers' for their client and approach the angels (senior court officials) as they themselves, apparently, lack direct access to God (the emperor), who grants Theodore's prayer (initials a rescript).²⁵⁴ The saints return to Theodore with the good news, accompanied by the Archangel Michael. (It was a special envoy from the court who personally delivered the imperial ruling about 'club-wielders' to the bishop in Honorias, also bypassing there secular, here religious, authorities.²⁵⁵) Romanos similarly unites the procedures of heaven and earthly bureaucracy: his leper secures the help of the 'all-knowing advocate' Faith (*pistis*) to write his petition (*deesis* = both petition and intercessionary prayer) to Christ for healing 'on the parchment of my soul'.²⁵⁶

The parallelism of the hierarchical workings of heaven and earth in a highly status-conscious (Christian) society, and what this says about attitudes to careers and status, is no less impressive than the recreation of the splendours of heaven in churches everywhere.²⁵⁷ The more so here, because such details form the uncontroversial backdrop to the questionable miracles that are

²⁵¹ Theodore retains the *omophorion*, i.e. his episcopal status, even as abbot of his own monastery. Croke (1990) for Mal.'s similarly precise use of administrative terminology.

²⁵² The first surviving (Christian) icons date to the 6th cent.: Cormack (1997). His analysis of this *Life* in terms of their growing importance in our period complements mine.

²⁵³ *Bldgs.* 1.6.

²⁵⁴ 'Brokers' (*suffragia*) were a feature of patronage throughout Roman antiquity, Wallace-Hadrill (1989). Kelly (2004) for associated abuses, some tackled in *JN* 8.

²⁵⁵ Feissel and Kaygusuz (1985), ch. 3.2.

²⁵⁶ Romanos, *Kontakion* 8, str. 11; Krueger (2003). Cf. the stages of Bishop Porphyry of Gaza's embassy to Arcadius, and the increasingly august personages he encounters on his mission: Mark, *Life of Porphyry of Gaza*.

²⁵⁷ For sumptuous decoration, especially of gold, in reinforcing the Christian discourse—and glorifying the donors of the various treasures: James (1998).

adduced to show Theodore's sanctity. We have an example of a text which, first, markets the holy man—and a religion—as a brand which can do for a rural society what Paganism claimed to do (heal, abate floods, produce good weather); second, as one who triumphs over the representatives of the previous 'Hellenic' dispensation (the demons) to which Theodore, and by implication the Church more generally, are portrayed as owing nothing; and, third, it celebrates by implication certain kinds of social mobility—without the need for expensive *paideia*—even if sanctity is not for everyone.

This *Life* has, therefore, like Romanos or Ps.-Dionysius, internalized the equation of heavenly and earthly administrative (hierarchical) arrangements, showing how the good Christian can manipulate both.²⁵⁸ However, by showing the Church and its 'athletes'—John the Almsgiver provides another example—active, and triumphant on behalf of the oppressed, it seeks to reconcile even the exploited country dweller with the Church (and empire). Might it even encourage notables among its audience to be less rapacious?

Case study 3—John Malalas

'Who controls the past controls the future. Who controls the present controls the past.'

George Orwell, *Nineteen Eighty-Four* (1949)

Malalas was a *rhetor*, therefore presumably both classically educated and from at least a modestly affluent background; he later held some official position in Antioch.²⁵⁹ Yet he chose to write—when classicizing alternatives remained available—in a radically unclassical genre (and Greek) not aimed, it is generally agreed, just at 'simple folk' but probably at an audience that included those for whom that other (Pagan) official Zosimus had written—classically—earlier in the century.²⁶⁰ Note, first, the Orwellian way in which he, like many other chroniclers and late antique Christian writers, seeks to construct the Roman past through an explicitly Christian, chronological narrative beginning with Adam. It is to him that the subsequent rise of other states is related, and which provides a sixth-century example of a Christian effort to 'capture history' that goes back at least to Eusebius.²⁶¹

²⁵⁸ Pace Kelly (2004), 244–5, who contrasts earthly and heavenly bureaucracy in this regard.

²⁵⁹ Mal. has been the subject of excellent recent scholarship: see esp. Jeffreys et al.'s edition of the *Chronographia* (1986), Croke et al. (1990), and Allen and Jeffreys (1996). Evagrius, *EH* 1.16 and elsewhere, for 'John the rhetor'. Croke (1990), 1–25, notes this title, but infers little more than that Mal. was conventionally educated, notwithstanding his style and language.

²⁶⁰ Croke et al. (1990), *passim*, esp. ch. 2 (Croke).

²⁶¹ Mal., bk. i, on which Jeffreys (1996). For Christian efforts to 'remake the past' see e.g. Momigliano (1963); Averil Cameron (1999); Ingelbert (2001).

He also emphasizes the centrality of the emperor to his view of Roman history and takes a balanced view of Justinian.²⁶² He nods in the direction of the factions, whose importance he recognizes—likewise the problems they can cause—without lapsing into hysterical rant. However, the Trojan War over, he airbrushes the dangerous Greek—*Hellenic*—past (and culture) out of existence while simultaneously emasculating and appropriating Hellenic religion not by vilifying, but by euhemerizing, their gods.²⁶³ Hephaestus, for instance, deified by the Egyptians, whom he had ruled, for his legislation on chastity and technological innovation, became a paragon to admire, not demonize.²⁶⁴ In this, notwithstanding occasional references to ‘the loathsome gods’ of the Hellenes,²⁶⁵ his approach is inclusive, even ‘ecumenical’—and shared by others: John the Lydian, for instance, also refers to Hephaestus as a king of Egypt.²⁶⁶

His interest for us, ideologically, is even greater through his espousal of a totalizing Christian discourse, extending to natural phenomena: earthquakes feature, for instance, as examples either of ‘God’s wrath’ (normally) or of ‘God’s benevolent chastisement of mankind’.²⁶⁷ This is combined with a non-classical style of writing and Greek, in order to provide a natural and unforced ‘account of events that took place in the time of the emperors up till the events of my own life time that came to my hearing. I mean indeed from Adam to the reign of Zeno and those who ruled afterwards’.²⁶⁸ Possibly reflecting the cultural complexity of Antioch and the East, he does so in a generally irenic, but again *inclusive*, way. He is remarkably unconcerned about theological dispute in a city, Antioch, which seethed with schism, theological controversy, religious and factional violence, and Paganism. Magic and chronology excite him more.²⁶⁹ He also normally lacks that *furor christianus* that characterizes so many contemporaries, not just in respect of heresy, but also of ‘Hellenism’. Nor does he echo the embittered tones of John the Lydian or Procopius—both, and probably significantly here, still writing in the classical tradition—possibly because he believed ‘history was on his side’, while his chronology appears designed to reassure readers in an eschatologically tense era that the end was *not* nigh!

Malalas thus suggests the possibility of a stable empire-wide society resting as surely on a *Christian* consensus as Libanius had advocated in the same city on a traditional, civic Pagan basis two centuries before—although, in both cases, the ‘opposition’, who we know constituted a significant presence in both periods,

²⁶² Scott (1990, 1996). ²⁶³ Croke et al. (1990).

²⁶⁴ Mal., 19. ²⁶⁵ Mal. 491. The reference is to the pogrom and book-burnings of 561.

²⁶⁶ *De mensibus* 4.86.

²⁶⁷ Mal. 418, 420, 482. Croke (1981) for the liturgical notice taken of earthquakes and other divine portents such as comets, as signs of the impending ‘End’. More generally, Meier (2003). The plague (542) features as ‘God’s compassion’.

²⁶⁸ Mal., Proem.

²⁶⁹ Jeffreys (2006).

are noisy through their absence. But we see how far the balance of social power (and associated public discourse) has, by Malalas' day, further shifted not simply in a Christian direction. It has also produced, in the third city of the empire, a radical Christianization of the official mind which apparently no longer needed classical literary skills.²⁷⁰ Yet, simultaneously, within this increasingly hegemonic ideology, he shows, as perhaps did his contemporary Paul the Silentiary, that an intellectual and cultural accommodation, albeit with a defanged and 'naturalized' Hellenism, was possible—on strictly Christian terms—even if others, like Evagrius, remained to be convinced.²⁷¹

CONCLUSION—THE STRENGTHS OF THE CHRISTIAN IDEOLOGY

What can we now conclude about the growing ability of a Christian ideology in the sixth century to win adherents and sustain consensus sufficient to permit generally effective government—and increasingly, though never totally, replace *paideia* as the cultural foundation of society? First, as our case studies show, it tended to exclude Pagans by its own inner logic. Indeed the frequent shrillness of the official Christian tone towards them elsewhere reflected the painful—largely unmentionable—fact that the dragon, if gravely wounded, was not actually dead—and that in places, classical culture, sometimes practised by Christians, actually flourished.²⁷² Yet after two hundred years of growing dominance, Christianity was now robust enough to confront 'Hellenism' more brutally than before—in the *kontakia* of Romanos,²⁷³ for instance, as un-Hellenic in their content, as opposed to their rhetoric, as were Hagia Sophia and other contemporary churches where they were sung, which had rejected the Hellenic tradition in their design. This confrontation was perhaps most brutal in imperial legislation. But the Christian ideology had behind it not simply the power of militant emperors, or the churches (of any denomination), but also the self-interest of the growing numbers of those who wished to make careers under a dispensation which, judging by what happened to those targeted in the Justinianic persecutions, required more than nominal

²⁷⁰ Mal. may not have been in Antioch at the time of Amantius, but his career began there: Croke (1990) for his biography.

²⁷¹ n. 37.

²⁷² Haldon (1997) 327, cites evidence of Pagan survivals up to the 10th cent. In the later 6th cent., the circles in which, for example, Paul the Silentiary, Agathias, or the author of *Dialogue on Political Science* moved, were steeped in the classical tradition. Even Latin was known to some: Averil Cameron (2009), Bell (2009).

²⁷³ Esp. *kontakia* 31, 33.

commitment to imperial orthodoxy. The traditional *paideia*, however, even if not extinct, was certainly no longer an indispensable qualification.

Second, the Christian ideology had it both ways: excluding 'Hellenes', on the one hand, but also socially *inclusive*, on the other. For Christianity was adaptable, and ultimately unthreatening, as befitted a hegemonic ideology now managed and developed by the rich and powerful, to the social and economic advantage, and even to the cultural tastes, of the upper classes (which helps explain the teasing continuance of Pagan iconography, or Pagan imagery and themes in poetry).

It probably also strengthened the socio-economic status quo: far from inciting social revolution, it legitimized and sanctified a divinely ordered social and political system which is described in a popular nineteenth-century hymn and my Sunday school favourite: 'The rich man in his castle, the poor man at his gate, | He made them high or lowly, He ordered their estate.'²⁷⁴ In compensation, it showed how the devout, of all classes, could manipulate this 'New Order', while integrating former Pagans and the possibly alienated rural and urban poor into the system. It did this by a combination of bribery (or charity), coercion, assimilation of Pagan practices—providing both 'present assurance' and 'ontological security'—and (sometimes) defence against exploiters through episcopal patronage, not least in the cities. In the process, theological articulacy, whether practised by churchmen, or laymen like Junilus or Justinian, became an indicator of elite membership—although Homer hung on in the sixth century, where he remains, for instance, by far the most cited author in (what survives of) the *Dialogue on Political Science*.²⁷⁵

Third, the construction throughout late antiquity of a new ideological discourse centring on the care for the poor qua poor, rather than as citizens of a particular community, was also socially conservative rather than revolutionary. It sought to redress poverty and deprivation within a (conservative) Christian framework. It is not, therefore, to be compared to contemporary 'Liberation Theology'—especially since the 'poor' included not simply the destitute (*ptokhoi*), on whom John Chrysostom, for instance, concentrated, but also the hard-up (*penetes*)—a larger category of 'shallow poverty' into which the fragility of late antique life could reduce almost anyone, rural or urban, not protected by substantial wealth, a rich patron, or association with the churches or imperial *apparatus*.²⁷⁶ In our period, we see Justinian at pains to emphasize his own charitable works; we register the emphasis on charity in the

²⁷⁴ Hymn, 'All things bright and beautiful' (1848), by Mrs C. F. Alexander, whose husband became (Anglican) archbishop of Armagh, in Ireland, and thus head of the church of the 'Anglo-Irish Ascendancy', whose interests the lines quoted well reflect.

²⁷⁵ Averil Cameron (2004): theology as an increasingly central elite discourse.

²⁷⁶ John Chrysostom: e.g. *Hom. 66 on Matt.3; de eleemosyna*. P. R. L. Brown (2002), esp. 13. His emphasis that such poverty was not new, but 'invented' by Christian leaders, is salutary: they combined thereby idealism and their interest.

Lives of the Eastern Saints.²⁷⁷ The 'transfer payments' alleviating social distress and removing some grievances should be seen in this context, and may even have moderated both religious conflict and wider social strains.²⁷⁸ A Miaphysite tradition, relayed by Michael the Syrian, portrays Justinian as saved from the eternal torment his religious policies merited by his charitable works and church building!²⁷⁹ The prevalence of asceticism, the prestige and power of holy men, often of humble origins, the priesthood, and the monastic movement provided further Christian avenues of aspiration, redress, and 'exit' from various social evils.

Yet, work on charitable and religious building projects apart, the new dispensation did not significantly change—except in terms of religious practice—lower-class lives. The *adscripticius*, for instance, on a great estate with a Christian landlord was no better off financially; legally, he was probably worse off than in pre-Christian times²⁸⁰—and he ultimately funded urban pious works through the taxation of his labour and rents to his master. If there were improvements in wage rates for labourers and tradesmen in the 540s (which the emperor acted to reverse) or more favourable contracts for tenants in Egypt in this period, this more probably reflects labour shortages following the plague.²⁸¹ Slaves were similarly no better off: only one text from late antiquity²⁸² can be construed as condemning an institution fundamental to the (now Christian) Roman law of persons. Notwithstanding individual beneficiaries, 'slaves were notably absent from the care provided by the Christian Church'.²⁸³ It seems rather that 'Christianity did not humanise or otherwise improve the life of the slave'. Rather it destroyed it by viewing slavery as a consequence of sin, and 'salvation to be found in submission to the master/Master'.²⁸⁴ So the interests of the upper (and some of the less exalted) classes were protected, even enhanced, especially when one considers how the ideology also justified the employment of much greater numbers in the priesthood generally (to which even slaves might be admitted²⁸⁵) and in ecclesiastical

²⁷⁷ For Justinian, note the hospices etc. in the altar cloth of Hagia Sophia: Paul the Silentiary, *Ekphrasis of HS*, ll. 755ff.; charitable works generally: *Bldgs.* e.g. 1.2.13–16, 6.7–8, 9.6–11; John of Ephesus' *LOES*, esp. 12, *PO* 17. Agapetus, *passim* for the political and spiritual importance, for a ruler, of good works.

²⁷⁸ e.g. earthquake relief at Antioch, *Mal.* 424.

²⁷⁹ Michael the Syrian, 9.34.

²⁸⁰ See Ch. 3.1. Patlagean (1977), 301.

²⁸¹ *JN* 80 seeking to cut rising labour costs; Banaji (2007), *JN* 198 for labour contracts in Egypt. Cf. John Chrysostom, *Hom.* 61 on *Matt.* More generally, Sarris (2006), esp. ch. 11, for an overview of how, in the post-plague period and after the reign of Justinian, the social and economic primacy of the upper classes was reasserted.

²⁸² Gregory of Nyssa, *Homilies* 4, in Garnsey (1996), 80–5, though views attributed to John in Leontius' *Life of John the Almsgiver*, 33 come close.

²⁸³ P. R. L. Brown (2002), 79.

²⁸⁴ Cardman (2008), 944.

²⁸⁵ *JN* 123.4.

administration. This included the charitable and commercial activities of the churches, while monasteries also provided a peaceful means of escape from the cruelties and uncertainties of the wider political economy.

Nor did the ideology include, as a generalization,²⁸⁶ any questioning of the imperial institution (as opposed to criticism of individual emperors or their precise relationship to other groups, such as the senate and, of increasing importance, the churches²⁸⁷) and the 'God-protected Empire' of which it was the earthly apex. If ever there was a case, to revert to an epigraph to this chapter, of men's social being determining their consciousness, or religious beliefs reflecting the primordial form of collective life, it is in the religious practices and beliefs that characterized and helped mould the sixth-century empire of Justinian, Theodore, Malalas, and in some respects Ps.-Dionysius—and which Agapetus so prudently advised the emperor to follow for his heavenly—and earthly—salvation. (In the next century, alas, things began to fall apart.)

The Christian ideology thus legitimized, exploited, and furthered the changes in the power structures of urban life that had hitherto constituted the foundation both of the empire and the traditional Pagan religion at the core of its cultural life. Where such changes created an 'existential' vacuum, Christianity could fill it—thereby reducing the potential for social conflict. This had both practical and symbolic manifestations. It achieved this, *practically*, through the 'rise of the bishop' as a great power in 'post-curial' city government, whether as a counterweight to imperial officials or secular notables, as well as through his well-documented ability to build his own 'constituency of the poor'.²⁸⁸ It also did so, *symbolically*. First through the rise in this period of the cult of the Theotokos, Mary, who provided both additional spiritual succour and military aid to her votaries in a tense and threatened society. This she did in ways analogous to those of Pagan deities even in the recent past, but which holy men had failed to do in regard to the Persians in the sixth century: stop them.²⁸⁹ And, second, through the development of a Christian discourse independent of, often militantly hostile to, 'Hellenism'. This begins, of course, with the New Testament.²⁹⁰ However, closer to our period, for example, even a sometime friend of philosophy, like

²⁸⁶ Except for e.g. marginal groups such as the Samaritans, possibly the Scamares and (some?) Miaphysites.

²⁸⁷ For the former e.g. *Dialogue* 5.134.

²⁸⁸ Liebeschuetz (2001b), ch. 4. Rapp (2005a), ch. 9. P. R. L. Brown (1992), esp. ch. 3. See Ch. 6.2 here for details.

²⁸⁹ Peltomaa (2001), 113–14. She defended her city against the Avars (626), as Athene Promachos and friends had saved Athens: Zosimus, 5.6. Averil Cameron (1978), Vasilake (2004) for the cult of the Theotokos. Meier (2003), 502ff. for her rise, an increasingly sacral monarchy, and the failure of holy men.

²⁹⁰ e.g. 1 Corinthians 1:18–25.

Gregory of Nyssa, can disparage non-Christian learning.²⁹¹ Wasn't it all a waste of time (and money) anyway—like learning ancient Greek today? The influential *Life of Anthony* would have us believe that the illiterate ascetic—refusal to learn to read and write was one of his infant virtues—could best urban sophists. 'If anyone's mind is sound,' he concluded, 'he has no need of letters.'²⁹²

²⁹¹ Gregory of Nyssa, *Life of Moses*, 2.11,17 (hostile); 2.37. 115 (more equivocal).

²⁹² Athanasius, *Life of Anthony*, chs. 1, 72, 73.

Constructing Legitimacy

The ancient Christians . . . knew very well that this world is ruled by demons and that he who meddles in politics, who in other words makes use of the instruments of power and violence, concludes a pact with the infernal powers.

Max Weber, *Politics as a Vocation*

Tzu-kung asked about government. The Master said, 'Give them enough food, give them enough weapons [to defend themselves], and the common people will have trust in you'.

Tzu-kung said, 'If you had to give up one of these three, which should one give up first?'

'Give up weapons.'

Tzu-kung said, 'If one had to give up one of the remaining two, which should one give up first?'

'Give up food. Death has been with us since the beginning of time, but when there is no trust, the common people will have nothing to stand on.'

Confucius, *Analects*

IDEOLOGY AND PUBLIC POLICY—INTRODUCTION

Chapter 5 addressed ideological conflict, especially religious, in terms of the structures of the empire as a whole. This one, by contrast, focuses on the more specific issue of what managing such conflicts entailed for individual emperors, especially Justinian. For all emperors needed to manage the kind of conflicts, not least ideological, we have discussed so far—conflicts often made worse by war or environmental catastrophes, themselves in turn widely interpreted as signs of divine disfavour. They had to take the hard, often

murky, choices of government that Weber noted, while winning and retaining the trust of the governed which Confucius rightly saw as fundamental. But not just Confucius. As Agapetus reminded Justinian:

Consider yourself to reign safely when you rule willing subjects. For the unwilling subject rebels when he has the opportunity. But he who is ruled by the bonds of goodwill is firm in his obedience to his ruler.¹

Emperors tried to achieve this in various ways. They normally only succeeded in securing political stability in the longer run, if they could persuade the wider society, notwithstanding the darker aspects of their rule, that their authority was *legitimate* in terms of the prevailing ‘symbolic universe’²—which was by no means always, or even usually, identical with the values of contemporary Western civilization. What happened when they could not—and have no Belisarius and Mundus able and willing to deploy the army ruthlessly and effectively on their behalf—was illustrated by the fall of the presidents of three Arab regimes in 2011. (This is also an example of the lessons ancient history can teach us.³) More generally:

Legitimacy refers to the process whereby power is not only institutionalised but more importantly, is given moral grounding. Legitimacy or authority is what is accorded to such a distribution of power when it is considered valid.⁴

For a late Roman emperor, such legitimacy rested on the *traditional* authority of a (militarily) successful Roman emperor, combined with *charismatic* authority deriving from a special relationship with the divine, very important in Justinian’s case, that Augustus would also have recognized. Both are caught in the *Barberini Ivory* (Fig. 6.1), displaying a triumphant emperor enjoying heaven’s blessing. This symbolizes perfectly how emperors wished, indeed needed, to be seen.⁵ A successful regime enjoyed also *legal* authority, subjecting even emperors to a degree of legal constraint—even if only by their own choice,⁶ albeit in their own interest. (It also represents a safeguard, in theory at least, against arbitrary government and the exercise of unconstrained power by the rich and powerful.) Agapetus again:

¹ Agapetus, *Advice* 35, with Bell (2009), *ad loc.*

² The totality of ‘social facts’ and values at a given place and period; a concept developed by Haldon (1986), 154 ff. and (1997), 324–6. What counts as ‘legitimate’ will vary, often widely, between societies and epochs in terms of their prevailing political ideologies.

³ Cf. Thucydides, 1.22: the epigraph to Ch. 1.

⁴ s.v. ‘Legitimacy’, *Oxford Dictionary of Sociology* (3rd edn., 2008).

⁵ As M. Maas (1992), 15, also recognized. See also Garnsey and Humfress (2001), esp. ch. 3. The ivory’s dating remains uncertain: on stylistic grounds, the Louvre inclines to a Justinianic date. So too Elsner (2004), 296–9; Garnsey and Humfress (2001), ‘first half of C6’, p. vi.

⁶ *JInst.* 2.17.8. Honoré (2004), 131; Dagron (2003), 19.

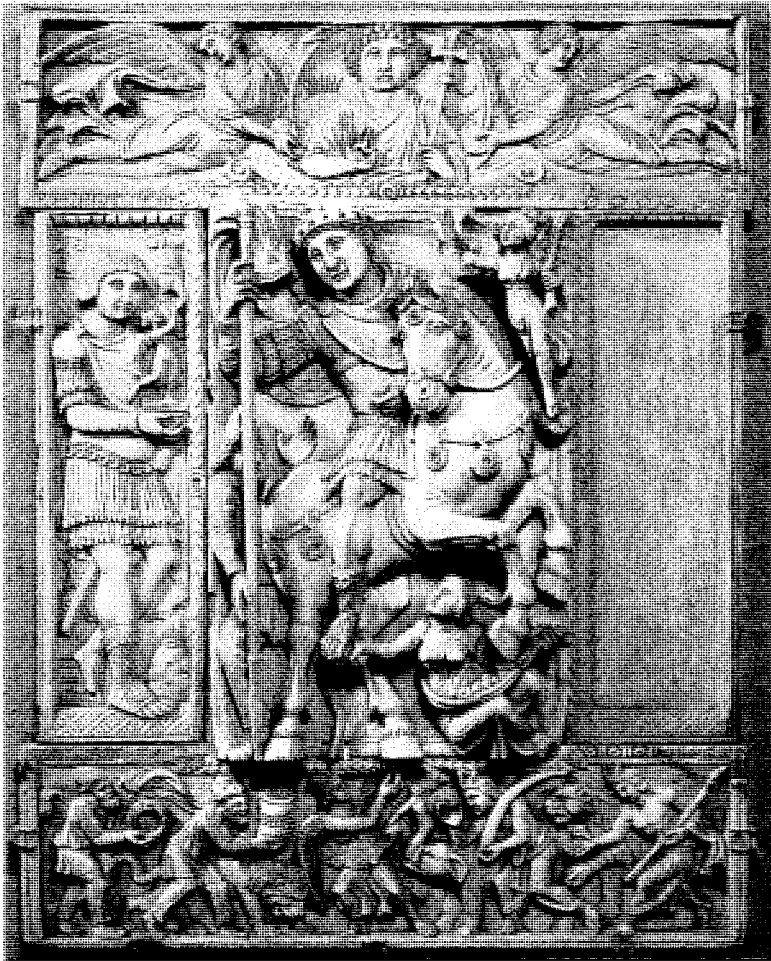


Fig. 6.1 The *Barberini Ivory*, showing the emperor as militarily triumphant under God. Leaf in five parts; first half of sixth century. Provenance: South of Gaul, second half of seventh century. Offered to the Legate Barberini in 1625 (courtesy of Réunion des Musées Nationaux, Paris).

Impose on yourself the necessity of keeping the laws, since you have on earth no one able to compel you. You will thus display the majesty of the laws by revering them yourself above all others, and it will be clear to your subjects that acting unlawfully is not without danger.⁷

This chapter, therefore, explores *social* rather than *systemic* or *structural* issues: in particular the policies of a particular emperor in relation to

⁷ Agapetus, *Advice* 27, with Bell (2009), n. *ad loc.*

- the concept of legitimacy (Section 1);
- the vulnerability of Justinian (Section 2);
- the policies Justinian adopted to legitimize his rule (Section 3); and,
- examples of his legislation, viewed as exercises in imperial legitimation (Section 4).

SECTION 1—LEGITIMACY

Modes of coercion

Oderint dum metuant: let them hate, so long as they fear.⁸ Fear as the primary instrument of public policy is a perilous long-term strategy: it risks generating hatred, as Machiavelli observed, that most dangerous of attitudes in subjects.⁹ The curtailed reign of Caligula, whose maxim this was, shows this. But imperial 'fierceness' has its uses, as Agapetus, later Machiavelli also, recognized—*provided* it is accompanied by measures aimed at securing goodwill.¹⁰ Nor was it incompatible in principle with the legitimacy of an emperor. This was especially true of a Christian society where there was no perceived incongruity between the wrath of God, as manifested in, say, plagues, earthquakes, or the eternal damnation of sinners, and his love of mankind, and where Christianity was no barrier to an increasingly savage criminal code.¹¹ We can loosely categorize varieties of 'state violence', calculated to generate fear and terror (*phobos*) in order to promote imperial (and divine) interests—even, as in the persecution of religious dissidents or deviant intellectuals, to (re)assert the emperor's claim to legitimacy as the 'Imitation of God'.¹²

A far from exhaustive list, including items we have already noted, might include the following categories in which 'fear', or the equivalent, is mentioned in our sources:

- *Reprisal*: in 507, under Anastasius, after suppressing faction rioting in Antioch, Irenaeus, the new 'count of the East', 'brought vengeance and fear upon the city'.¹³ Amantius similarly brought 'great fear' into Caesarea and thereabouts in 556 following anti-Christian riots by Jews and

⁸ Accius, in Suetonius, *Gaius* 30.

⁹ Machiavelli (1961), chs. 17, 20.

¹⁰ Agapetus, *Advice*, chs. 48, 59.

¹¹ e.g. Mal. 419–21; Romanos, *Kontakion* 54. MacMullen (1986).

¹² 'Fear' would generally include 'deterrence' and also 'reassurance', whether for supporters of the regime or those who more generally feared a breakdown in law and order, the triumph of 'heresy', etc.

¹³ Mal. 398.

Samaritans.¹⁴ The massacre of some 25,000–30,000 in the capital following the Nika Riots in 532, followed by years of comparative calm, was no isolated incident: Procopius, for instance, reports a governor who was ‘terrifying to the faction supporters’ in suppressing their disturbances in Alexandria.¹⁵

- *Ideological enforcement*: against ‘heretics’ and, after 536, Miaphysites; but also against male homosexuals, starting apparently with bishops (528), and ‘Hellenes’ (529), amongst whom ‘great fear’ was generated—all near the beginning of Justinian’s reign when he had urgently to consolidate his rule.¹⁶ The purges and book burnings of 542 (after the plague) and 562 (during a period of revolts, earthquakes, recurrences of the plague from around 556–64¹⁷) are further instances. In the interests of ‘concordant glorification’ with all its earthly and spiritual advantages, not least for the emperor, the *Code* (1.5) required denunciations of religious deviants, including Pagans, while *Novel* 132 also encouraged informers against ‘heretics’.¹⁸
- *A political tool*: during Justin’s lifetime, Justinian is described as ‘causing great fear’ as he consolidated his position in the capital. Finally, writing around 550, Procopius refers to a wider ambient terror, including spies (*kataskopoi*), making perilous open criticism of the regime.¹⁹ We should include ‘state terror’ more generally in respect of tax collection, often extremely brutal—as not just Procopius illustrates.
- *Internal security operations* required to maintain or restore order in the disaffected provinces of the empire—many already noted in Chapter 3.

All these are modes of coercion; all show the emperor as ‘formidable through the pre eminence of his power’.²⁰ But some coercion, including the actual use of physical force, is an inevitable part of governance—the maintenance of law and order is barely conceivable without it, nor its close relative deterrence—and for that reason alone it would be simplistic to see Justinian as little more than a bloody tyrant or, with Kaldellis, as a revolutionary ideologue. In fact, he and his regime were far too deeply embedded in the *habitus*—the attitudes,

¹⁴ Mal. 487–8.

¹⁵ SH 26.35.

¹⁶ Mal. 449.

¹⁷ Mal. 436, 487–96; Theophanes, *AM* 6048–57; Agathias, *Hist.* 5.1 20. Evils summarized in Bell (2009), 87ff. *JN* 77 (against homosexuals) may also have been a reaction to the plague: nn. 190 and 204.

¹⁸ SH 11.14–27. See Ch. 4.3. Mal. 449. *CJ* 1.5 is a gem: it targets by name over 35 ‘heretical’ groups, not to mention Jews, Samaritans, and Pagans.

¹⁹ Rise to power: SH 6. We need not endorse fully Procopius’ account of the future emperor’s earlier misdeeds to accept this plausible judgement, corroborated by Evagrius (*EH* 4.32). Later terror: SH 1.2.

²⁰ Agapetus, *Advice* 48.

behaviours, and values—of what had by then become an ever more Christian, but still Roman, empire.²¹ But that does not mean *we* should not take account of the often large-scale, repressive cruelty of his rule and its frequent ideological, including religious, motivation—nor of the emperor's own need to legitimize his rule, taken as a whole.

The nature of 'legitimate authority'

Universal fear can, in any case, scarcely be achieved with the relatively limited powers of coercion at a government's disposal in an extended pre-industrial state—or even in some modern ones, as the events of the 'Arab Spring' in 2011 also show. The difficulties of maintaining public order and collecting taxes in Asia Minor and elsewhere, discussed in earlier chapters, demonstrate this. In any case:

Reverence which arises out of fear is dressed-up flattery, which under the fictitious name of honour, deceives those who rely on it.²²

In the longer term, *legitimate authority* is needed—rendered more problematic through the contradictions inherent in some ways of achieving it, notably the fiscal exactions required to finance both charitable and building works, as well as military success and the maintenance of public order—all those public benefits which we saw listed in *Novel* 149. But what more can we say about the nature of this fundamental condition of successful government, to which intelligent autocrats other than Justinian, ancient and modern, Christian and Muslim—Hitler, Stalin, Mao Zedong, for instance, or those caliphs styling themselves 'God's Deputy' (*khalifat Allah*)—also and prudently paid such attention?²³

As for legitimate authority (or domination), Weber explained:²⁴

Domination is the probability that certain specific commands or all commands will be obeyed by a specific group of persons . . . But custom, personal advantage, purely affectual or ideal motives of solidarity do not form a sufficiently reliable basis for a given domination. In addition, there is normally a further element, the belief in legitimacy.

²¹ In his edition of *Proc. SH*.

²² Agapetus, *Advice* 17.

²³ For the suggestive parallels between Byzantine and Islamic legitimization strategies, not least through titulature, see Marsham (forthcoming).

²⁴ Weber (1978a), i. 212–13. The schema is set out more fully in his ch. iii on 'Domination' and 'authority', and, in more literary terms, in his *Politics as a Vocation* (tr. 1919). Both translate the German *Herrschaft*.

He continues:

There are three pure (i.e. ideal) types of legitimate domination. The validity of the claims to legitimacy must be based on:

1. *Rational* grounds—resting on a belief in the legality of enacted rules and the right of those elevated to authority under such rules to issue commands (legal authority);
2. *Traditional* grounds—resting on an established belief in the sanctity of immemorial traditions and the legitimacy of those exercising authority under them (traditional authority); or finally,
3. *Charismatic* grounds—resting on devotion to the exceptional sanctity or exemplary character of an individual person, and of the normative patterns or order revealed to him (charismatic authority).

These, Weber underscores, are ‘ideal types’.²⁵ They are also *formal* criteria—in an actual society, their content will depend on the totality of its cultural and social practices and beliefs.²⁶ One should also remember that they do not necessarily coexist: charismatic revolutionaries cannot be expected to love tradition, for instance. But they still must, somehow, present their rule as legitimate.

They are also *contestable*. Chapter 5 illustrated the cultural complexity of the age, and, by implication, some of the factors that an emperor had to take into account when establishing his rule as legitimate. The nature of the emperor’s sacerdotal authority, for instance, remained disputable and its establishment through ever more intense ceremonial or succession, problematic. One might, therefore, follow Dagron in grounding imperial authority instead in a concept of legitimacy deriving from Justinian’s own *Institutes*.²⁷ Here, the emperor cites two Pagan emperors, Severus and Antoninus, who asserted that, ‘although we are not bound by the laws, nevertheless we live in conformity to the laws’—a conservative doctrine that could imply that legislative innovation, as opposed to ‘restoration’, is tyrannical.²⁸ However, in a society like the later Roman Empire where not only did religion play so important and ostentatious a role—for Dagron, rightly, ‘the state is sacred and the Church is power’—but where the emperor also remained the ‘imitation of God’, any definition of imperial ‘legitimacy’ must be defective which

²⁵ Weber (1978a), i. 28.

²⁶ n. 4. *ODB*, s.v. ‘Legitimacy’, lists and defines specifically Byzantine, but compatible criteria (military success; civic legitimacy; historical legitimacy; dynastic legitimacy; possession of Constantinople; religious legitimacy) which complement the categories I employ here, since these are fundamental to the modern sociological tradition.

²⁷ Dagron (2003), *passim* for the debate over the priestly function of the emperor, including its political significance. The issues emerge more succinctly, however, from Runciman (1977).

²⁸ Dagron (2003), 19, citing *JInst.* 2.17.8—see Honoré (2004), 110. Cf. Agapetus, *Advice* 27, with Bell (2009), n. *ad loc.* For innovation as ‘tyranny’: *de Mag.* 2.1, 19.9, and 3.3; *SH* 8.26, 11.1–2, 18.12, 30.21.

does not employ somewhere the concept of 'charismatic authority' and owes nothing explicitly to Christianity.²⁹

Worse, such an account ignores the efforts Justinian, like virtually all late Roman emperors, devoted to demonstrating the sanctity of his rule as God's vicegerent. Achieving legitimacy in terms of 'legal' or 'traditional authority' was problematic for an activist such as Justinian, faced with the permanent threat of widespread popular disaffection. This we see from his fight to defend 'innovation' proactively through a 'hard sell' of legal codification from 529 onwards, and later in various *Novels*. He also had to do so defensively, promoting his 'innovation' often in terms of (tendentious) ancient precedent and 'renovation', in response to the kind of criticisms we find in Procopius, or John the Lydian.³⁰ He really did need the extra legitimacy that *charisma* could give him. It may help to start our examination of what expectations Justinian had to meet by examining what one philosophically sophisticated contemporary understood by the very concept of 'legitimacy'.

In the *Dialogue on Political Science*, we have a critique of the Justinianic regime from a senatorial standpoint—all the more effective for its subtle and temperate language, yet sharing many assumptions of the wider political and philosophical discourse of the era.³¹ Thus, the author treats imperial rule as 'the imitation of God', a concept which had been captured for Christianity by Eusebius in his *Tricennalian Oration*, and in the Platonic tradition regards the polity as, ideally, a harmonious, collaborating hierarchy. More significant, however, is how this work recognizes the centrality of legitimacy both to the position of the emperor and to the wider constitutional arrangements he advocates. Being the imitation of God—and an avatar of Plato's philosopher ruler—does not put the emperor beyond the law, as it did for Antoninus, Severus, or even Agapetus. Rather:

What is given from God to emperors should be embedded in the state amongst men both justly and in public law. What is administered in this way will be administered reverently, so far as God is concerned, and fittingly amongst men.³²

An emperor's legitimacy thus rests here on his rule being both 'lawful' (*nomimos*) and 'just' (*dikaios*), and set in a legally defined constitutional structure, which owes as much to Cicero as to Plato.³³ The *Dialogue's* analysis

²⁹ Quotation, Dagron (2003), 1. The nearest Dagron comes to 'charismatic authority' are his references to e.g. 'episcopal *charismata*', '*charismata* of kingship', because such phrases occur in his Byzantine sources (e.g. p. 8).

³⁰ For the acceptability of 'renovation': e.g. *de Mag.* 3.1–4, *Bldgs.* 1.6. M. Maas (1992), ch. 3; Pazdernik (2005).

³¹ More detail in Bell (2009).

³² *Dialogue* 5.9, 5.137. Cf. Ps.-Dionysius—see Ch. 5. *Tricennalian Oration*, tr. Drake. Bell (2009).

³³ *Dialogue*, 5. 45. As Kaldellis (2004) noted independently.

makes a valuable contribution to political theory in its own right. But the emphasis it places on the need to secure legitimacy in the context of an implicitly hostile critique of the emperor is further evidence that Justinian had a 'legitimacy problem'.

In short, whatever variations existed in sixth-century (or modern) conceptions of legitimacy, emperors needed to secure the moral grounding of their power in terms of prevailing values which legitimacy represents.³⁴ Many of the policies for achieving it, and which were pursued with particular consistency, energy, and great expense by Justinian (and other emperors, before and after him, whether Pagan, like Augustus, or Justinian's own successor, Justin II³⁵), are otherwise incomprehensible.

SECTION 2—THE VULNERABILITY OF JUSTINIAN

Justinian's climb to power

Writers' personal grievances must not mislead us about the emperor's problems: Procopius' criticism of Justinian may reflect disenchantment and frustrated ambition amongst the circle of Belisarius and other members of the upper classes;³⁶ John the Lydian's attack on administrative reform certainly reflects reductions in the incomes of the praetorian prefecture, including his own, by a transfer of lucrative work elsewhere.³⁷ But that does not obliterate the wider significance of the ideological rationalization of the griefs of individuals, or indeed classes, and their attribution to the moral inadequacies of the emperor, especially when they concern magnates like Belisarius, the family of Anastasius, or the other senators lined up against Justinian during the Nika Riots—to whom we must add their clients, dependants, friends, and allies across the empire. All of these could later be accused of conspiring against the emperor.³⁸ The *Dialogue on Political Science* rightly emphasizes, in parallel, the necessity of legitimate authority. But that does not prevent the author analysing this in terms that would constrain the emperor's freedom of action—and innovation—in the collective interests of his upper class, the

³⁴ Cf. definition of 'legitimacy' in *ODS*; see also n. 26.

³⁵ For the latter's *Legitimationspolitik*, closely reflecting his predecessor's: Averil Cameron (1975, 1977, 1978, 1979).

³⁶ See Rubin (1960), 127, 173: Procopius as protégé of Belisarius. Procopius' criticisms of Belisarius (e.g. *SH* 1.10; *Wars* 7.35.1) weaken his case, however.

³⁷ John the Lydian, e.g. *de Mag.* 2.15, 17, 18; 3.66, 68. Kelly (2004), esp. ch. 2.

³⁸ Family of Anastasius, senators, *Wars* 1.24; Marcellinus Comes, *a.* 532. Belisarius, *Mal.* 494.

optimates, who alone need political knowledge since the emperor himself should be above day-to-day politics.³⁹

The misrepresentations that resentments could cause may be seen in Procopius' own malicious portrayal of the young Justinian as effectively running the empire under his uncle, allegedly an illiterate incompetent.⁴⁰ (This lets him blame the former for everything of which he disapproved under Justin, including the death of Vitalian, when it is Justin who is fingered as the guilty man in many of our sources.⁴¹) But attributing to Justinian the deeds of his predecessor makes Justinian appear less vulnerable from 518 to 527 than he was. For other contemporary evidence shows Justin to have been an effective emperor from his accession almost until the end of his reign, while Justinian's status and power only increased gradually, with the senate urging, but Justin resisting, his rise at each point. He became *nobilissimus*, in 524, at the request of the senate, and then *Caesar*, 'against . . . [sc. Justin's] will' in 525.⁴² These promotions marked key stages in the rise of the low-born Peter Sabbatius, as Justinian was originally called, to *Augustus* in 527. But we also detect, as well as serious illness, clear opposition—when he was accused in 523 of fomenting factional violence; or when Hypatius urged Justin to adopt Chosroes 'out of malice towards Justinian'.⁴³ Nor does Justinian's relationship with the bishop of Rome, Hormisdas, seem fundamentally different, notwithstanding its forthright tone, from that of, say, Anicia Juliana.⁴⁴

Justinian, as sole emperor, was thus more vulnerable than often assumed—and his debt to Belisarius, who saved him in 532, frighteningly great. He was also indebted in his rise to senatorial support that he could not take for granted later, given both his own personal ambitions and potential conflicts of interest within the ruling class. Chapter 3 noted systemic conflicts of interest between the landowning elites and the emperor; Chapter 5 detected their possible ideological reflection in contemporary religious and cultural disputes. Senators, like all landowners, also had an interest in diverting revenues to themselves as opposed to the fisc; they would expect payback for support in terms of office for themselves and their clients; their local ambitions could run counter to imperial authority. In short, Justinian's allies under Justin expected

³⁹ *Dialogue* 5.54ff.

⁴⁰ *SH* 6.11, 19; 9.15. Croke (2007) argues contra Evagrius, *EH* 4.1, that Justin was a plausible imperial candidate, dynamic thereafter in terms of quashing Vitalian, in his religious policies, relief works, and military initiatives.

⁴¹ Attributed to *Justin* by John of Nikiu 90.11–12, Mal. 412, and Marcellinus Comes, *a.* 520—see Croke *ad loc.* who inclines to exonerate Justinian. Contra, Victor Tunnensis, 11.197. Tate (2004), 82, sees Justin as much a beneficiary as his nephew from the murder.

⁴² Zonaras, 15.5.37; Victor Tunnensis, *Chron.* 11.109.

⁴³ *Wars* 1.11.31, 16.

⁴⁴ *Coll. Avell.* 164, 198, Anicia Juliana.

rewards from an emperor who had, however, wider responsibilities and ambitions for running the empire—and obligations to his own men.

This vulnerability at least partly explains why Justinian worked so hard before his accession to secure support from a wider constituency than just the upper classes: the pope, Chalcedonians, and, going beyond the Blues, from the people more generally, including through spectacular consular largesse. Later, in his first year as sole emperor, he reinforced his claim to be a *civilis princeps* by enlarging the imperial box in the hippodrome.⁴⁵ His vulnerability also partly explains the stress on the emperor's public commitment to good government in the prefaces to so many *Novels*, the stress elsewhere on the core political virtue of justice and, in his earliest days as sovereign, on Chalcedonian orthodoxy and the suppression of heresy and 'Hellenism' (which will not, however, have pleased everyone).

The 'charge sheet' against Justinian (and Theodora)

Frustrated expectations partly explain the consistency in the sources on the failings of the regime (and of Justinian and Theodora in particular) that threatened its legitimacy. But critics emphasized the following, which we must evaluate against the background we have just sketched:

- The *vulgarity* of the emperor and his closest associates;
- Their *oppressiveness and rapacity*;
- Their *innovation*.

In addition, serious military setbacks, at times, in the wars with Persia or in Italy, the collapse of part of the dome of Hagia Sophia in 558, and above all the plague in 542—all had to be publicly addressed since they called into question God's confidence in his earthly vicegerent.⁴⁶ They required addressing against the wider tensions in the socio-economic framework, in the churches, in the factions and elsewhere of a troubled society. Yet Justinian and his regime survived. We can now examine how.

Vulgarity and poor education

The imperial institution was not in question; criticism of it, except perhaps in some Miaphysite circles, is absent, although there were and remained sharply differing views of what it was and what it ought to be: above the law for the

⁴⁵ Marcellinus Comes, *a.* 521, 528. For *civilis princeps*—an emperor who is 'one of us'—see Ch. 4.

⁴⁶ See, above all, Meier (2004), esp. Anhang, for a full list of potentially demoralizing and 'delegitimizing' *Katastrophen*.

emperor himself (and Agapetus); or bound by it according to the senatorially oriented *Dialogue on Political Science*.⁴⁷ Incumbents, however, were always vulnerable. Sixth-century writers are unsparing of the characters of individual emperors, especially when safely dead, while Procopius savages the humble origins of Justin I, Justinian, and Theodora (especially her earlier lifestyle),⁴⁸ as well as Justinian's choice of a 'theatrical' wife for whom the law had to be changed, controversially, to permit the marriage.⁴⁹

We have similar criticisms of the emperor's closest associates even if Tribonian 'possessed natural ability and was as well educated as any of his contemporaries';⁵⁰ 'very learned', grants the Lydian.⁵¹ Both men, who detested John the Cappadocian, could even reluctantly admit—for Procopius, it was the source of his standing with the emperor—his expertise in raising taxes and suggesting economies.⁵² But administrative competence could not redeem the emperor's associates either in their eyes or those of other 'wealthy aristocrats and intellectual snobs'.⁵³ But hostility to these and others was not confined to the uppermost classes: both were targeted—and temporarily dismissed—during the Nika Riots. Here was a cause which could unite differing social strata (and groups)—*and be exploited*—against the emperor. John the Lydian saw the origins of those riots in the violent hostility in the capital of immigrants who, he claims, had fled their lands owing to the depredations of John and his agents.⁵⁴ During the riots, many senators, as well as, allegedly, the heirs of Anastasius whom Evagrius had seen as more obvious candidates back in 517, tried to turn this to their advantage.⁵⁵ In the short term, it was not the exercise of legitimate authority that saved Justinian, but the troops of the no less (relatively) obscure Belisarius and Mundus. In terms of *legitimizing* his

⁴⁷ See Ch. 4, for Miaphysites. Earlier in the century, the last *Pagan* historian Zosimus (1.5.2–4) had expressed a preference for republican government. How typical he was of his class (or religion) is unclear: Bell (2009), 73.

⁴⁸ *SH* 6.11–16.

⁴⁹ Cameron (1985), 77, sees Procopius' charges as misogynist, though whether they were less seriously intended (or believed) by the writer than his no less hostile charges against her husband is doubtful. John of Ephesus' (sympathetic) description of her (*LOES*, *PO* 17.189) as a former prostitute, together with *CJ* 5.4.23 (the law which permitted Justinian's marriage), suggests an 'immoral' youth. The point, however—see J. A. S. Evans (2002), ch. 2—is that she was now acceptably 'penitent'. Mal. 423 simply describes her as 'most devout'.

⁵⁰ *Wars* 1.24.

⁵¹ *De Mag.* 3.20.

⁵² *Wars* 1.24, 25.6. *Wars* 3.10: John is 'the cleverest of all men of his time'.

⁵³ Honoré (1978), 13.

⁵⁴ *De Mag.* 3.70—an explanation, potentially hostile groups combining in a superordinate cause, compatible with our analysis of factional conflict in Ch. 4 in terms of group processes and identity.

⁵⁵ Evagrius, *EH* 4.1 for the superior claims of Anastasius' relatives after the latter's death. After Nika, Justinian confiscated the property of many senators: *SH* 12.12. Kaldellis (2004), 124–5, highlights wider senatorial alienation.

rule, as opposed to simply preserving it, the outcome could scarcely have been worse.

The theory of group processes helps us here once again: the imperial entourage were members of an 'out-group' in relation to the Constantinopolitan 'ascendancy' in terms not just of birth, but also of economic interest and, often, education. They were also a threat. Neither Justin nor Justinian was the first outsider from humble provincial or military backgrounds to become emperor: Zeno (r. 474–91) was only the most recent example. But their position was hardly strengthened thereby—while, with Justin and his successor, the kind of gossip retailed or embellished by Procopius cannot have enhanced imperial charisma.⁵⁶ More probably, it damaged an already precarious position. Moreover, if Justin was not the nonentity traduced by Procopius, Evagrius, and John the Lydian—he had become an imperial 'insider,' an orthodox Chalcedonian, and an experienced soldier—the new ruler was still faced with the disappointed supporters of unsuccessful candidates, including those with arguably better claims, such as Anastasius' relatives or Vitalian, with their networks of clients and supporters across the empire, whom the new regime quickly replaced.⁵⁷

Nor were such vulnerabilities forgotten when Justinian had (legitimately) become *Augustus* in 527: Procopius could denounce the emperor's earlier patronage of the circus factions;⁵⁸ Justinian's support for Chalcedon was not an unqualified political asset, even in his own capital. In 533, following an earthquake, 'all the city [*sic*]' gathered in the Forum of Constantine to call upon the emperor to 'destroy, burn the document issued by the bishops at the Council of Chalcedon'. This event further illustrates the emperor's continuing legitimization problems: the price of empire, including papal approval, was Chalcedonian orthodoxy—and Miaphysite discontent. Hence the pragmatic, renewed outreach afterwards to the latter.⁵⁹

Justinian and many of his associates were also 'outsiders' culturally; they seem to have lacked a formal literary education, *paideia*, and the status it brought. His only intellectual expertise seems to have been dogmatic theology; his Latin style, exemplified in letters and legislation, left something to be desired from a traditional perspective, for all its energy.⁶⁰ He also treated teachers, at least in their own estimation, badly—though this probably reflected suspicions about their religious orthodoxy. We have seen that his

⁵⁶ Cf. the politically motivated and snobbish mocking of the former US president George W. Bush's, or former UK deputy prime minister John Prescott's verbal infelicities.

⁵⁷ *Wars* 1.11.1; *SH* 6.11 ff.; Evagrius, *EH* 4.1; *de Mag.* 3.51.

⁵⁸ *SH* 7.34–42.

⁵⁹ *Chron. Paschale* 533. See Ch. 4. for this outreach.

⁶⁰ For what we may infer from his style about the forceful and dynamic character of the emperor: Honoré (1978), 7. This is apparent once one compares the polite diplomatic language of Justin in the *Coll. Avell.* with the blunter rhetoric of his nephew.

'enforcer', Bishop John of Ephesus, treated intellectuals, including teachers, unutterably worse;⁶¹ John the Cappadocian, unlike Tribonian, seems to have possessed even fewer literary graces. The views of the *Dialogue on Political Science* we come to later.

The case of Junillus, Tribonian's successor as quaestor from 542 to 548, shows why lacking the badge of 'belonging' to the ruling elite that *paideia* brought mattered. Honoré sees Procopius' exaggerated hostility as reflecting some private animus, almost certainly shared by others.⁶² This grievance probably lay in Junillus' other career as a theologian, assuming he wrote the *Handbook of the Basic Principles of the Divine Law*.⁶³ Procopius, like many sixth-century conservatives, but unlike Justinian and his allies, might not have been amused to learn that 'governance by God on behalf of angels and humanity... takes place through lawgiving'.⁶⁴ Junillus also writes that his alleged mentor, Paul, a Persian from Nisibis, was educated there, 'where divine law is correctly and regularly taught by public teachers, just as in our communities, grammar and rhetoric are taught in daily classes'.⁶⁵ Junillus, at the apex of the bureaucracy for six years, was thus not only a legal innovator, but someone seemingly lukewarm towards the traditional *paideia* that had formed the imperial elites for centuries—and he spoke Greek, Procopius snobbishly tells us, with a funny accent. He was 'not one of us'.⁶⁶

Procopius' sneer further illuminates conflicts amongst that elite—where Procopius and his likely readership were based. For Junillus was a *homo Iustinianicus*. His theology, despite a methodological debt to the probably Nestorian Paul, was orthodox, and commissioned by one of Justinian's few Western episcopal supporters in the 'Three Chapters' controversy, Primasius. He also appears to share with the emperor (and Tribonian) a conception of divinely given natural laws as the source and measure of human law, which the emperor must follow. He was, therefore, a natural member, and ideological support, of the Justinianic project.⁶⁷ Procopius' critique should also be

⁶¹ SH 26: teachers. Ps.-Dionysius of Tel Mahre, 76: intellectuals.

⁶² Honoré (1978), 237–40; SH 20.17.

⁶³ *Instituta regularia divinae legis*, M. Maas (2003).

⁶⁴ *Instituta* 2.5.

⁶⁵ *Instituta*, pref.

⁶⁶ Disparaging provincials, their accents, and their literary skills, especially those whom one personally disliked or whose ideas one found distasteful (or even worse, 'heretical'), is not confined either to Procopius or the 6th cent.: John the Cappadocian emerges from John the Lydian's *On Offices* as typical of the rogues who came from his part of Asia Minor—John cites a jingle in support (*de Mag.*, 3.56)! Best of all is Anna Comnena's (1083–1153) sulphurous dismissal of another Westerner and intellectual deviant, John Italus, from Italy (*Alexiad* 5.8–9). The 'liberal sprinkling of solecisms' in his philosophical arguments was only the least of his failings. Cf. n. 56.

⁶⁷ M. Maas (1992) and, more fully (2003), 111–13.

interpreted *politically* in that context, and as an example of the *symbolic violence* by which outsiders can be put in their place.

We have thus returned—this time at the ‘social’ level of individuals, their interaction, and policymaking—to the *Kulturkampf* we discussed in Chapter 5: between advocates of an ideologically exclusive but possibly more socially mobile and relatively inclusive Christian culture, and those of a more intellectually eclectic but socially exclusive ‘Hellenic’ one which might conceal a nostalgia (or worse) for Paganism, not least on the part of those whose support for the new emperor might be questionable, and whose local power and influence grew ever stronger, given the rise of a more powerful aristocracy. We may also see John the Lydian’s criticisms that the days of traditionally educated men were over not *just* as snobbery or reflecting the self-interest of the traditionally educated, but also perhaps reflecting fears arising from the purges. It appears an implicit protest, about which Procopius is even more specific, at the arrival of ‘new men’ with other cultural, political, and ideological allegiances to power, influence, and lucrative careers, under the patronage of Justinian and men like the Cappadocian.⁶⁸

As illuminating of wider ideological, and therefore political, conflicts are those whom John the Lydian praises: above all, Phocas, who succeeded John the Cappadocian, briefly, after the Nika Riots. That he was appointed during such a crisis, despite suspicions of Paganism only three years before, points to the constituency to whom his elevation was designed to appeal: most obviously those who resented people like John and Tribonian and their methods, and who probably inclined to Phocas’ cultural (and religious?) values. But Phocas was not only one of many highly placed targets of the anti-Pagan pogrom of 528; in that of 546, he committed suicide, rather than be executed in the purge of ‘illustrious and noble men’ administered by the bishop, John of Ephesus. He was buried, on the emperor’s orders, ‘like a donkey’.⁶⁹ For John the Lydian, writing in the 550s, after these events—and therefore, by his choice of hero (whom Procopius also commends⁷⁰), making a political point—he was that ‘wholly good man’ who devoted his personal wealth to charity. Under his inspired though brief administration, ‘rhetoricians became conspicuous for their speeches and books were produced, and competition returned over the whole complexion of government’.⁷¹ The overlap in general terms between John of Ephesus’, John the Lydian’s, and Procopius’ lists of victims is striking. When read with the accounts of those injured, whether in Constantinople or the provinces, by the fiscal exactions of the centre, it shows *foci* of opposition

⁶⁸ John the Lydian: see Ch. 5; *SH* 21.9 ff.

⁶⁹ John of Ephesus, *EH*, in Ps.-Dionysius of Tel Mahre, 76–7.

⁷⁰ *SH* 21.6–7.

⁷¹ *De Mag.* 3.72 ff.

in overlapping cultural, religious, and sociopolitical terms of a kind we explore later. It also shows their criticisms are 'ideological' as we employ that term.

The *Dialogue on Political Science* sums up 'objectively' this suspicion of new—that is, (relatively) lower-class—officials. It sensibly recommends that the state should seek out able men as *optimates* from the whole empire (reflecting official practice in the emergence of a service aristocracy since Constantine) and even beyond. But, says Menas, one of the two participants:

I don't think we must mix these 'discoveries' promiscuously with the other *optimates* (*aristoi*). We should create a second, separate college of Optimates... Thus it would be clear in the state what excellence was due to nature alone, and which to upbringing and nature together.⁷²

In other words, 'Chaps like that are all very well in their way, but one mustn't let them run the show!'

Oppression and rapacity

These conclusions are reinforced by the charges of oppression and rapacity against Justinian and his ministers made at length by Procopius and Evagrius, but restricted to attacks on officials, notably John the Cappadocian, by John the Lydian who claims, implausibly, that the emperor did not know what was going on.⁷³ He also cites countrymen who suffered financially back in Philadelphia in an anecdote illustrating the links between the bureaucratic and other elites in the capital, and their friends, relatives, or clients in the provinces.⁷⁴ This shows how a 'nexus of dissatisfaction' with the regime could develop—especially with its fiscal administration, though not excluding the cultural resentments identified earlier. This is further illustrated in the rationalized, ideological complaints of provincial misgovernment also retailed by Procopius (and partially corroborated by the abuses targeted by the legislation of Justinian and his two immediate successors').⁷⁵ It also identifies, again in Procopius, victims of economies and retrenchment amongst the propertied classes in the provinces, as well as among professional groups.⁷⁶ Justinian's allegedly miserly response to Belisarius' requests for more resources in Italy is

⁷² *Dialogue* 5.33, with Bell (2009), *ad loc.*

⁷³ Procopius e.g. *SH* 16.16 onwards, starting with the losses of senators and the prosperous. Evagrius, *EH* 4.30. John the Lydian, *De Mag.* 3.70. Fulsome praise of the emperor (*de Mag.* 1.6; 2.5, 8, 28–30; 3.1, 30, 35, 38, 39, 42, 55, 57, 61, 69), qualified at *de Mag.* 3.69, 76.

⁷⁴ *de Mag.* 3.59.

⁷⁵ Kaldellis (2004), app. 1. See Ch. 3 for the brutal exploitation of, and the responses of, the exploited lower classes.

⁷⁶ *SH* 26 where, amongst others, *rhetoires*, physicians, and teachers are listed. His 'victims' from Caesarea are also noticeably affluent (*SH* 29.1), while landowners (lit. 'owners of the villages': *SH* 22.39) were first to suffer. John the Lydian's relative (see n. 68) is similarly a substantial citizen—and 'distinguished for learning' (a euphemism for 'Hellene' i.e. Pagan?).

a closely related accusation, though this may reflect genuine financial shortages as well as imperial suspicions about Belisarius' loyalty.⁷⁷

What is striking about such critics is less their failure to register, in polemic, that Justinian's fiscal policies were a continuation of his predecessors', even if more rigorously enforced and no longer administered by an emperor, Anastasius, who could be portrayed, by Procopius, as the provident and prudent steward of the upper class. Neither such critics' articulate empathy with the griefs of taxpayers—especially of the propertied classes—nor their apparent failure to understand, or rather to admit, *why* the administration might desperately need funds—and able men to collect them—comes as much of a surprise. Predictably, they do not mention the difficulties in obtaining money from those same classes, directly or indirectly. For this the best evidence is *Edict* 13 (539) on Egypt. Here, Justinian declared that tax evasion, by landowners, councillors, even imperial officials, threatened 'damage of the greatest importance and the very cohesion of our state'.⁷⁸ Yet Procopius was not the unworldly intellectual whose quarrelsomeness, as a class, John the Lydian criticizes; Procopius even features in his *Wars* as Belisarius' agent in Sicily.⁷⁹ In their world, the link between taxation and military policy was well understood.⁸⁰

Such omissions cannot be wholly blamed on the genre of invective. One might thus exonerate Procopius, but John the Lydian—who worked in a revenue department—has no such excuse. He is capable of reporting (three times) the contraction of the tax base following the loss of Scythia and Moesia; he later dwells on the loss of revenue occasioned by the Persian invasion of the Levant 'which alone used to turn the scale for the authorities'; but he fails to make the connection with fiscal rapacity elsewhere.⁸¹ Evagrius at least juxtaposes Justinian's fiscal demands (bad) with his building programme and generosity (good).⁸² Our conclusion must be that such rhetoric—John the Lydian's citation of some twenty-six taxes is a rhetorical gem⁸³—reflects the conviction of the authors and their intended, surely upper-class, readership, that the regime was deeply inimical to *their* well-being, irrespective of the wider public interest.

This conclusion is strengthened once one includes, first, other Justinianic initiatives designed to increase tax yields, and pressures applied to curb abuses by local officials, as noted in Chapter 3; and, second, the government's competence. This is betrayed by Procopius' rhetorical apostrophe that 'the titles of "murderer" and "bandit" came to be regarded by [*sc.* Justinian's men] as "energetic"'.⁸⁴ Neither the African and Italian expeditions (the latter in its

⁷⁷ e.g. *Wars* 6.29–30.

⁷⁸ *JEd.* 13, pref.

⁷⁹ *De Mag.* 3.47; *Wars* 3.14.

⁸⁰ e.g. Themistius, *Or.* 8.

⁸¹ *De Mag.* 3.31, 33, 40.

⁸² Evagrius, *EH* 4.30–1.

⁸³ *De Mag.* 3.70.

⁸⁴ *SH* 21.14.

earlier stages), nor the vast building programme, nor the legal codification and the volume of subsequent reforming legislation—all often against the background of wars on other fronts—were other than successes reflecting well on the competence of the regime and doubly frustrating, therefore, for its critics—and those of all social levels at whom such competence was directed.⁸⁵

But we are not *only* dealing with straightforward criticisms of Justinian's agents (or the emperor). What those high officials targeted by John the Lydian and Procopius did not apparently do, unlike, say, Phocas or Anicia Juliana, was legitimate their wealth by extensive charitable and other benefactions comparable to the (no less self-interested) evergetism of the urban notables of old. Once in power, Justinian was similarly criticized for the discontinuation of consular largesse (and other economies).⁸⁶ They are also criticized for not conforming to what was expected of *grandees* in terms of the traditional *civic* ideology at a time when, first, that ideology was moribund owing to the continuing political transformation of the cities;⁸⁷ and second, the emperor was himself claiming a monopoly on such means of legitimation, through evergetism, to strengthen his own vulnerable political position. An example would be his preventing display by potential rivals, including suppressing the consulship in 541, which he had exploited for his own advancement—despite the avowed enthusiasm for Roman antiquity that was part of his ideological platform. He similarly banned the unauthorized building of churches.⁸⁸

In short, the criticism is self-interested economically, but presented in an ideological (and moralistic) wrapping which disguises its political critique of the regime under cover of respect for the past, in which—unstated premise—the complainants believed their interests had been better served.

Innovation—Justinian the revolutionary?

The charges of *innovation*—the heresy of *res novae* or *neotera pragmata*⁸⁹—reinforce this interpretation. For Procopius and John the Lydian, this was amongst the great crimes of the regime, combined for the latter with a failure to restore the praetorian prefecture to its former pre-eminence.⁹⁰ What is striking about such criticisms—many aimed at Tribonian's alleged constant changing of the law, an accusation to which any law reformer must plead

⁸⁵ For a less favourable, if one-sided, view of the regime's efficiency, see Jones (1964), 298 ff.

⁸⁶ e.g. *SH* 16.15; 16.29 and 40 (abolition of corn dole in Constantinople and Alexandria). But see Ch. 3 for J.'s justification of taxation: *JN* 149.

⁸⁷ Liebeschuetz (2001b), and again with Averil Cameron, Whittow, Lavan, and Ward-Perkins (all in Lavan, 2001a).

⁸⁸ *Bldgs*.1.8. *JN* 56 permitted church building, but only subject to episcopal approval.

⁸⁹ Literally 'new things' (*LSJ* s.v. *neotera*), denoting 'revolution' from Herodotus onwards.

⁹⁰ Jones (1964) 270 ff; Averil Cameron (1985), 245–6 for restoration vs innovation in the thinking of Procopius and John the Lydian.

guilty—is the absence of any analysis of whether Justinian's reforms promoted efficiency, economy, or effectiveness, including lessening corruption, or to understand why the government made the hard choices it did over, say, the curtailment of the *cursus publicus*. Merely abuse. Nor, in John the Lydian's case, does he relate policy to the imperial commitment to renewal of the empire (*renovatio imperii*).⁹¹ We cannot now judge the merits of all the administrative changes censured by him.⁹² But where other government departments benefited, one scents interdepartmental rivalry.⁹³ It is also tempting to follow Brown in seeing the changes, including an apparent preference for accountants and lawyers in the public service, as a further move away from the *paideia* which had traditionally formed the ruling elites and their values, and towards a greater 'professionalism' of a kind which *On Strategy* considered desirable in tax collectors—as well as fewer posts and earning opportunities perhaps for those with, in our terms, arts degrees.⁹⁴

We could interpret John the Lydian's criticisms in terms of a 'model' of late antique governance in which the scale of bureaucracy, especially in Constantinople, gave unprecedented powers to late antique emperors, but which simultaneously created a tension between the bureaucrats and the emperor and his collaborators, who wished to retain a freedom of action unconstrained by bureaucratic precedent and 'rationality'.⁹⁵ We could then see John making a covert case for the bureaucracy against the emperor's cronies—one which is to a degree echoed in the case made in the *Dialogue on Political Science* for relieving the emperor of most of the responsibilities for day-to-day government, which the various ranks of *optimates* would deal with. There is nothing in John to make us reject this absolutely. But his motivations are better understood in terms both of what he does say and what he is careful not to say. Whether in terms of departmental responsibilities, the discontinuation of Latin in administration, reduced attendance at court hearings, or even the quality of parchment used, his core argument is in terms of departing from *tradition*—from the *mos maiorum* of old (pre-Christian?) Rome—in a society lacking a concept of 'progress'.

We should respect this viewpoint on its own terms. Tradition *matters*—not because the old is necessarily good in itself, but because it enshrines a proven way of doing things: 'the wisdom of antiquity'.⁹⁶ For John, this included the (allegedly) ancestral working methods of his prefecture. Tradition has, however, an *emotional* force that goes beyond efficiency. One can see this, in modern England, from the attachment to regimental tradition, say,

⁹¹ *De Mag.* 2.23; M. Maas (1986) and (1992), 88–9.

⁹² e.g. *de Mag.* 2.15–18; 3.66, 68.

⁹³ Kelly (2004), ch. 2.

⁹⁴ P. R. L. Brown (1971), 156; PS 3.

⁹⁵ Kelly (1994), but also (1998, 1999, 2004). See also Garnsey and Humfress (2001).

⁹⁶ *Ten emphrona palaioteta: de Mag.* 3.11.

or the Book of Common Prayer (for many Anglicans), traditions of collegiate governance and (Anglican) religious ceremonial at Oxbridge, the British monarchy itself... Tradition is, after all, one of Weber's three bases of legitimate authority. Its undermining, even for good pragmatic reasons, compounded, therefore, Justinian's legitimacy problems.

That such a commitment to tradition is also ideological—and self- or group-interested—enhances, but does not explain away its salience. In the sixth century, for Meier, such grievances were reinforced by a perception that the world was heading to its end. This provided further reasons for writers later in the century to write their acrid critiques and look back to a past when things were, allegedly, better. In John's case, note what many of his examples of decline have in common: the poor paper and reduction of legal ceremonial in his prefecture represented a loss of status in a society obsessed with official display and hierarchy; the gradual replacement of Latin as an administrative language cut a link with the Roman past that the emperor, and other members of the elite like John or Paul the Silentiary, elsewhere emphasized; it also reduced the value of Latin skills to those, like John, who possessed them. Such reforms hurt. I know this from my experience as departmental finance officer in the Northern Ireland Office in the early eighties. I was then the 'New Thatcherite', the 'outsider' from England, tasked with long-overdue, radical reform of financial management. I was not universally loved for it, and even became a target for the kind of scurrilous gossip aimed at John the Cappadocian, combined with a Parliamentary Question from Ken Livingstone MP.

SECTION 3—THE IMPERIAL RESPONSE

Ideals (to be seen) to live up to

We have located major elements in the ideological critique of Justinian, his closer associates, and, through patronage, their clients. Such resentments and interests, even discounting especially upper-class Pagan resentment, constituted a formidable obstacle to securing and maintaining legitimate domination, while failure to 'rule willing subjects' tended to produce the result Agapetus feared: 'the unwilling subject rebels when he has the opportunity'.⁹⁷ Even the conservative author of *Dialogue on Political Science*, for all his disdain for popular power, grasped the necessity of such consent: he gave *all* classes a role in the selection of a new emperor.⁹⁸ Revolt is precisely what the disaffected of all social levels did during the Nika Riots and, more sporadically,

⁹⁷ *Advice* 35.

⁹⁸ *Dialogue* 5.46–53.

through much of Asia Minor and the Levant, where the emperor was at pains to legitimize his reforms.⁹⁹ The end of the reign was marked, not only at the literary level, by the attacks of Procopius and those who thought like him, but, notwithstanding the eventually successful outcome of the Italian war, by conspiracies and a recrudescence of factional violence.¹⁰⁰

But establishing legitimate authority required not only addressing grievances of these kinds or wooing the disaffected. It also entailed addressing broader cultural expectations of an emperor; and reaching out to sources of likely support within the wider community, like the Blues, before assuming sole power.¹⁰¹ That Justinian did both so ostentatiously and systematically throughout his reign demonstrates that, for him and his intimates, this was carefully considered policy. It suggests that Justinian's 'obsessive concern with his own personality and role in history' was more than egomania.¹⁰² He had no alternative, if he was to outflank the forces opposed to his rule, offset ill will generated by his more oppressive policies, and morally ground his regime—including in the face of natural disasters construed as divine disapproval.¹⁰³

For what an emperor must demonstrate, we have Weber's criteria of legitimate authority. More specifically, but compatibly, for the sixth century, we can start by reading back from things Procopius, say, and John the Lydian did not like, to what they would have preferred: 'traditional' government by 'traditional' elites (though within an imperial framework); lower levels of taxation—at least for those elites; probably greater support for 'traditional' Hellenic culture and more tolerant religious policies. Mostly impossible, however, for Justinian, even if he had wished, given the pressures on him. But we also learn, for example, from the *Advice* of Agapetus about the emperor's paramount need to demonstrate *philanthropia* (or benevolence). From the *Dialogue on Political Science*, we hear more about exemplary imperial behaviour explicitly in terms of legitimacy: for him, this is 'the just and the lawful' (*to dikaion kai to nomimon*). Here the emperor receives, does not take, power; he is accountable to divine justice; and he governs in the interests of all citizens.¹⁰⁴ Other writings, Pagan as well as Christian, provided extra 'benchmarks' for imperial performance.¹⁰⁵ One cannot categorically assert that Justinian's circle studied these texts. However, their values undoubtedly enshrine a *conscience collective* in relation to the imperial office. Thus, the third-century Menander Rhetor sets out the rules for an 'address to an emperor'

⁹⁹ See Ch. 3.2.

¹⁰⁰ e.g. Mal. 490 ff.; Paul the Silentiary, *Description of HS*, Prologue.

¹⁰¹ See Ch. 4.3.

¹⁰² Honoré (1978), 14.

¹⁰³ For a similar judgement, P. R. L. Brown (1971), 154.

¹⁰⁴ *Dialogue* 5.46; see n. 33.

¹⁰⁵ Corippus, *In Praise of Justin II* 4.158, with Averil Cameron's n. *ad loc.* for a fuller list of panegyric expectations of an emperor.

(*basilikos logos*): this text, which remained influential in later Byzantium, spells out, by implication, what an emperor should do.¹⁰⁶ For Menander, the key imperial virtues are 'four: courage, justice, temperance and practical wisdom (or prudence) [*phronesis*]'. Elsewhere he breaks justice down into its constituent parts: 'piety, fair dealing, and reverence: piety towards the gods, fair dealing towards men and reverence for the departed'.¹⁰⁷

We also have what is effectively a full-scale, exemplary *basilikos logos* in Eusebius' *Life of Constantine* which 'constructs' an idealized Christian emperor.¹⁰⁸ This anticipates fundamental features of the Justinianic project by demonstrating: God's achievement in the emperor (1.1–11) and favourable comparisons with other emperors; military triumphs, including peace with Persia (1.25–41, 2.1–22, 3.5–13); the promotion of Christianity and restraint of Paganism (2.44–51, 3.54–8, 4.23–5); personal piety and sanctity (4.2–39); the resolution of church disputes and the suppression of heresy (3.1–24, 59–66); lavish ecclesiastical buildings (3.47–53). The only two major ingredients of Justinianic policy missing are, first, defining imperial rule—withstanding the decline of Latin, primarily in relation to the Roman, not Greek, past, in the way that is such a feature of Malalas, John the Lydian, and, apparently, Peter the Patrician—and, second, legal and administrative reform. However, Eusebius commends Constantine's 'love of humanity' (*philanthropia*)—another of Menander's imperial virtues, as for Agapetus¹⁰⁹—and his 'Christianizing' legislation (4.1–4, 26–8). The state itself is in any case probably best thought of, certainly in the sixth century, not in terms of simplistic contrasts but as a 'Greek Roman Empire';¹¹⁰ the ultimate 'imperial address' in our period is how, towards the nightfall of the reign, Paul the Silentiary promotes Justinian as very definitely a *Roman* emperor in the New Rome 'which neighbours the sea', but one who is almost a living god, whose radiance, comparable to the light streaming from the windows of 'his' church of Hagia Sophia, illuminates the world.¹¹¹

¹⁰⁶ Menander Rhetor, *On Epideictic Speeches* ii. 368–77.

¹⁰⁷ Menander Rhetor *On Epideictic Speeches* ii. 373, i. 361.

¹⁰⁸ See Cameron and Hall's translation and commentary (1999), 9–12 for the complex circumstances of the *Life's* composition; 49–50 for its having gone 'underground' from the 5th to the 9th cents. But whether or not this particular text was widely read in the 6th cent., the attributes ascribed there to Constantine had become central to imperial ideology by our period. Cf. Romanos, *Kontakion* 16, for a *basilikos logos* applied to Christ: Topping (1977).

¹⁰⁹ Menander Rhetor, *On Epideictic Speeches*, 2.374; Agapetus, *Advice*, e.g. 6, 19. Examples of Justinian's *philanthropia* were sufficiently important to feature on the altar cloth of Hagia Sophia (Paul, *Description of HS*, ll. 755–805).

¹¹⁰ Title of book by Sir Fergus Millar (2006).

¹¹¹ Paul, *Description of HS*, ll. 135–65 (Rome), 895–920 (illumination), with Bell (2009), n. *ad loc.* and see Ch. 7. Also Elsner (2007).

Natural allies to cultivate

Knowing what is, ideally, required of an emperor is one thing. Achieving it, and surviving the inevitable setbacks and disasters, requires allies. The emperor's natural allies were those whose interests served his own. In part, these were the successors and descendants of the 'New Constantinians', doing the emperor's work throughout the empire as administrators and military commanders, and who had subsequently consolidated their positions as a new aristocracy.¹¹² (Some prominent beneficiaries comprise the 'villains' in our literary sources; others are grantees, like the Apions or Marathres.¹¹³) These were men whose interest lay in the continuation, and indeed the flourishing, of the East Roman state. But the 'soundness' of at least some of this crucially important group could be doubtful. There were conflicting interests among the administrators, of which *Edict* 13, seeking to root out maladministration in Egypt, provides outstanding testimony for the richest province of the empire. Here overlapping reasons for estrangement, both material and ideological, might include: countervailing local power and influence by notables, including encroachment onto imperial lands; the fact that many imperial administrators at all levels could have strong local ties; tensions with and between the authorities over taxation; and cultural or religious alienation.¹¹⁴ It was essential, therefore, for the regime to bind to it as many as possible of those on whom it would depend, if necessary by 'fast-tracking' the careers of men, like John the Cappadocian, whom we should regard as amongst the *novi Justiniani*.¹¹⁵ Interest (careers, money, status) obviously also played its part. But interest is not all. The commitment of some groups was more likely to be secured by demonstrating the 'imperial virtues' necessary to establish the legitimate authority of the government. Consider, therefore, the 'ordinary people' (*demos*), lawyers, and ecclesiastics.

The people (demos)

First, the *people*¹¹⁶ of the cities—living in the political, economic, and religious nodes of the empire (Map 3.3). How are they to be kept 'onside'? We have

¹¹² Heather (1994), for 'New Constantinians'; Banaji (2007), ch. 6, for the 6th-cent. aristocracy; Sarris (2006) for tensions between aristocracy and emperor. A fuller study would explore in more detail how J. managed 'his' men in government and the army.

¹¹³ Or 'Malthanes', the Cilician magnate commissioned by Justinian to end violence there: *SH* 29.28 ff.

¹¹⁴ See Chs. 3 and 5.

¹¹⁵ Honoré (1978), 13–14, argues that, at the highest levels of government, traditional elites were not employed simply on account of their exalted background: their promotion was blocked by talented 'outsiders' like John, Tribonian, Belisarius, Narses, or Junillus. For legal *novi Justiniani*, see subsection 'Lawyers'.

¹¹⁶ *Demos* in both senses: the civic masses *and* the factions.

noted the positive role of the factions, empire-wide, in legitimizing emperors every time they acclaimed him, while defusing or cutting across class and religious divides; we saw too the younger Justinian's efforts to build up a constituency amongst Blues (whose patronage was not confined to the 'Ruling City'), as well as his later manipulations of the factions. At issue is how later emperors, including Justinian, sought to manage the cities of the empire without, except *in extremis*, using armed force.¹¹⁷ Indeed, it appears to have been settled policy normally to keep soldiers out of internal, civic political conflicts.¹¹⁸ Part of the answer had lain in the shared conventions and behaviours of the traditional *paideia* of the governing classes;¹¹⁹ epigraphic evidence suggests many of these values persisted into the sixth century. Many of our best examples come from fourth-century Antioch but, as the laws just cited suggest, remain applicable to our century. But there were other groups to keep onside: especially those listed by Libanius, who remain important in our century. This goes some way towards explaining how 'government by consensus'—legitimate government—was (usually) maintained at civic levels. It does not, however, explain how the emperors, patronage apart, kept tabs on the governors themselves—especially in the later sixth century when the traditional *paideia* was not what it was and traditional elites potentially unreliable.

The answer partly lies in how the 'acclamation culture' of late antiquity did more than simply give the people their only remaining collective (political) 'voice'. For public business of all kinds—including games, theatrical performances, and legal hearings—were preceded by acclamations of God and the emperor, thereby psychologically reinforcing sentiments of group loyalty in the way pledging allegiance to the flag daily in US schools is meant to do. Constantine and his successors also prudently insisted that details of formal acclamations were forwarded to him.¹²⁰ Acclamations were not necessarily an innocent expression of popular opinion, although they could indicate it—in Constantinople as elsewhere.¹²¹ For they could be manipulated in sixth-, as well as in Libanius' fourth-, century Antioch, by the authorities and other

¹¹⁷ As in the Nika Riots. More typical is Justinian's speedy rescinding of the proposed (adverse) change in the exchange rate of the *folles* for gold in 553, following rioting by the very poor (*ptokhoi*): Mal. 486.

¹¹⁸ *CJ* 1.29.1 (re-enacting legislation of 386–7). The deployment of imperial troops in Alexandria in 535–6 shows the exceptional severity of the sectarian disorders.

¹¹⁹ Thus Libanius asked a new governor how he intended to rule. 'Like a father', he replied, quoting Homer—thereby setting the tone for his incumbency—*Or.* 46.3, quoted in P. R. L. Brown (1992), 40, in support of his wider argument for *paideia* in facilitating legitimate government.

¹²⁰ *CTh.* 1.16.6; *CJ* 1.40.3. See more generally on acclamation culture (found also amongst bishops and the senate) and its vulnerability to manipulation, Liebeschuetz (1972), 209 ff. and (2001b), ch. 6; Roueché (1984, 1993).

¹²¹ e.g. in 556. Mal. 488 implies that the Blues orchestrated this embarrassing protest—the Persian ambassador was present—over the price of bread.

organized groups, to legitimize their actions.¹²² Above all, however, it was in the hippodromes and theatres that the people, through their collective acclamations of God and emperor—orchestrated as ever by the factions—‘worshipped themselves, *à la Durkheim*’, thereby reinforcing social solidarity.¹²³ Or, as Fronto put it:

more important than the granting of [sc. for our period, petitions etc.] which only pleased the people separately and by name (*singillatim et nominatim*), the spectacles pleased them collectively (*universum*)

wherever they were held throughout the empire.¹²⁴ This second-century observation remains relevant: both in the games and the imperial liturgy, people and emperor (or his representatives) were united in a legitimizing bond. No less important was the role of monitoring gubernatorial performance, which was given to the bishops. Justinian’s *Edict* 1 was not only to be displayed prominently in churches; it gave bishops the duty of reporting not only bad, but also good, behaviour for imperial reward.¹²⁵

The lawyers

Second, the *lawyers*—where the marriage between interest and legitimacy is striking. They were natural, at least potential, allies not because they were necessarily separate from other members of the secular elites in terms of education. Tribonian was the equal of any other *litteratus* in the state; classicizing writers like Procopius, Menander Protector, or Agathias were all lawyers.¹²⁶ Nor because they escaped government economy measures or persecution.¹²⁷ But because they were professionals in a discipline that was conservative, appealed to a range of traditional moral values and authorities revolving round the ‘good and the fair’ (*bonum et aequum*), which owed nothing to Christianity—though broadly compatible with both it and the core imperial virtues of justice and fair dealing.¹²⁸ Above all, they operated a critically important system which offered the aggrieved both a ‘voice’ and means, however imperfect, of peaceful conflict resolution at all social levels. One papyrus summarizes options, judicial and quasi-judicial, available to the

¹²² Evagrius, *EH* 6.7.

¹²³ Veyne (1976), 578.

¹²⁴ Fronto, *Principia Historiae*, 17 (abridged).

¹²⁵ *JEd.* 1, pref: ‘Some we punish; some we reward’.

¹²⁶ Tribonian: Honoré (1978), ch. 2; Menander Protector, fr. 1; Agathias, *Histories*, pref. 14; Greatrex (2003) shows why Procopius was a lawyer.

¹²⁷ *SH* 26. 1–4, John of Ephesus in Ps.-Dionysius of Tel Mahre, 76.

¹²⁸ C. *Tanta* 10 recognizes this in retaining the names of former jurists, while the *Digest* cites Pagan emperors, still called *divus* (divine).

aggrieved reaching down far into provincial life: a monastery, after a favourable 'out of court' settlement, had to promise not to resort

to a local court or one beyond the frontier, nor out of court, nor by petition [sc. to the emperor] . . . nor make accusations amongst friends, nor impugn the terms [sc. of the agreement] either at law or in holy churches.¹²⁹

A further advantage was that, although on balance the legal system—both as an institution and in terms of the law itself—supported the interests of the rich and powerful (*potentiores*), it tended to lock the lower orders into an empire-wide system of conflict resolution. Vexatious though this could sometimes be to the authorities, it could bring litigious *coloni* and their supporters to the fount of justice in Constantinople itself.¹³⁰ Whatever the system may also have done by way of deterring or punishing abuse, or providing careers for loyalists, the conclusion that a universal law and legal institutions helped develop a sense of a common *patria* throughout the empire also applies to the late empire, and was further reinforced by Justinian's efforts in this direction.¹³¹

Note also measures where the emperor *repeatedly* presents himself as the scourge of official abuses and other oppression;¹³² and the efforts to promulgate his *Code* universally as the fount of a reformed law¹³³—rightly emphasized amongst the 'spiritual weapons of the emperor' (*Geisteswaffen des Kaisers*) by Rubin, whom the Third Reich had sensitized to ideological rhetoric and autocracy. There was too the repeated legislation designed to be *seen* to promote at least as much as to enforce fair, non-oppressive, or non-extortionate administration.¹³⁴ The importance the emperor attached to his initiative is shown not only by the language he employed in its dissemination, but also in the efforts to ensure the message was effectively communicated throughout the empire.¹³⁵ Note, finally, how the exemplary virtue of justice—whose violation, in the sense of not giving to each his rightful entitlement, was, for Aristotle, the fundamental cause of social conflict (*stasis*)¹³⁶—is singled out as the distinguishing mark of the good governor. Here was a man who operated under the eyes, or the images, of the emperor himself (as the sixth-century illustration of Christ before Pilate, from the Rossano Gospel, in Fig. 6.2, shows), which the crowd saluted when presenting their petitions.¹³⁷ Thus

¹²⁹ P. Oxy. lxiii. 4397: comm. Gagos and van Minnen (1994).

¹³⁰ JN 80 makes provision, inter alia, for speedy returns of such *coloni* to their farms.

¹³¹ So Ando (2000), 409, citing Aristides, *Or.* 26.100.

¹³² e.g. the *locus classicus* JN 8; see the prefaces to the *CIC* cited in Sect. 4.

¹³³ e.g. Mal. 254.

¹³⁴ e.g. JN 8, 15, 23, 24, 25, 30, 69, 102, 145, 148, 149.

¹³⁵ As also stressed by Rubin (1960); cf. Mal. 254.

¹³⁶ Aristotle, *Politics*, bks. 4–5.

¹³⁷ P. R. L. Brown (1971), 42.



Fig. 6.2 The Governor in judgement—Christ before Pilate, second half of sixth century, as depicted in the Rossano Gospels (from Museo Diocesano d'Arte Sacra, Rossano).

Robert, in his study of dedicatory inscriptions to governors throughout late antiquity:

For the subjects, the governor is the *dikaspolos*, the law giver, the *'ithudikes*, the righteous man, whose justice and integrity are praised and who guarantees *eunomia*, lawful rule...the essential is always his role as a judge and his justice.¹³⁸

¹³⁸ Robert (1948), 107. Cf. Menander Rhetor, 2.10 on *encomia* to governors.



Fig. 6.3 Honoric public statue of a governor, Flavius Palmatus, late fifth/early sixth centuries from Aphrodisias (from R. R. R. Smith 1999; photo: New York University Excavations at Aphrodisias).

These themes become tangible in such powerful political imagery as the late fifth-/early sixth-century statue of Flavius Palmatus, a governor from Aphrodisias (see Fig. 6.3), or the earlier rules for eulogies of governors prescribed by Menander.¹³⁹ He prescribes praising even-handedness between the ‘well off’ (*euporoi*) and the ‘powerless’ (*adunatoi*)—a revealing contrast—as a

¹³⁹ For the statue of Palmatus in its wider art-historical and ideological context: R. R. R. Smith (1999). Contains further illustrations of Palmatus and other governors of late antiquity.

gubernatorial virtue.¹⁴⁰ Lawyers' careers did not necessarily depend on a traditional literary education, though rhetoric remained an essential skill of *advocati*.¹⁴¹ The law did, however, also offer attractive career prospects in the public service—which the preface to the *Institutes* promotes.¹⁴² Such prospects were probably enhanced as the result of the emperor's legal reforms: the law became more certain (and coherent), and, therefore, in principle, easier to operate; legal education was reformed; the volume of legislation aimed at improving public administration may also have created more work.¹⁴³ (One of the legal reforms deplored by John the Lydian was granting jurisdiction—more cheaply and therefore more accessibly—to provincial courts in cases formerly referred to the prefecture in Constantinople.¹⁴⁴) Lawyers were generally 'sound' from an imperial perspective, while their profession was a major, if not *the* major, conduit for the exercise of that key legitimating imperial virtue—justice. Justinian's intentions are clear from his designation of first-year law students as 'New Justinians' (*novi Iustiniani*),¹⁴⁵ educated in a course 'which from start to finish proceeds from the emperor's lips', ideally followed by a government job.¹⁴⁶ How better to bind a key section of the elite to, and encourage it to identify with, a regime which it was also in their interest to serve?

Observe also the law itself, 'illuminated by the light of our imperial splendour',¹⁴⁷ into whose service these future supports of the regime are being consecrated. This is clearer from the *Institutes* than the mass of the *Digest* or the *Code*. The law is condensed not only into one allegedly consistent system incapable of further gloss or commentary,¹⁴⁸ but into one that is above all *hierarchical*. Conceptually, justice presides; in practice, the emperor—who alone retained the right to decide issues still requiring clarification after the promulgation of the new compilation.¹⁴⁹ Under the normative concept and central imperial virtue of justice, the law is divided into private and public law; the former into 'natural law', the 'law of peoples', and 'civil law' (*ius naturale*, *ius gentium*, and *ius civile*); the last of these into the law of persons, things, and

¹⁴⁰ Menander Rhetor, 2.14; cf. Ch. 3.

¹⁴¹ The attractions of law in career terms over the traditional literary higher education were already lamented in the 4th cent. by Lib. Or. 52.

¹⁴² *C. Imp. Maiestatem* 7. *SH* 21.4–5 can still bewail the financial plight of lawyers!

¹⁴³ One should not overstress legal clarity; e.g. *Dig.* 9.1 (Ulpian) for a brilliantly inconclusive legal analysis that apparently subverts itself. Education: *C. Omnem* 3.

¹⁴⁴ *De Mag.* 3.49.

¹⁴⁵ *C. Omnem*. 2. cf. the Hitler Jugend for youth recruitment to the regime on a wider scale.

¹⁴⁶ (*JInst.*) *C. Imp. Maiestatem* 3.

¹⁴⁷ *C. Imp. Maiestatem* 3.

¹⁴⁸ *C. Tanta* 21.

¹⁴⁹ *CJ* 1.14.8 (446). *CJ* 1.14.11 (529) is no less clear that case law determined by the emperor was not only binding, but also that the emperor should be considered as 'the sole maker and interpreter' of the laws.

actions; the first of which is subdivided between persons who are free and those who are slaves; the former are either freeborn or freed, and either dependent or independent; independent persons either have guardians or supervisors, or they are completely their own masters . . . In short, a hierarchical, status-based account of human relationships is still placed at the beginning and core of the legal learning process in this key introductory text, even though it acknowledges complications—as over the status of *adscrip̄ticii*, who, if our analysis in Chapter 3 is correct, were of great significance in the political economy of the empire, and just too important to ignore.¹⁵⁰

We have here another manifestation of the hierarchical (and harmonizing) cast of sixth-century political thought corresponding with what we saw in Ps.-Dionysius, in the struggle for ‘concordant glorification’, that euphemism for orthodox uniformity in religious matters, in legalistic religious education with Junillus, or in the *Dialogue on Political Science* (for imperial rule). All these approaches, in their different ways, legitimate the emperor at the (earthly) apex, while his authority radiates from the centre to the remotest cities, even the countryside, of the empire—literally, in the *Description of Hagia Sophia* by Paul the Silentiary, who elaborated on Procopius’ *Buildings* to project the Great Church (and Justinian himself) as the spiritual heart of church and empire.¹⁵¹

Moreover, this system advertised itself in respect of general laws which depended on a process which ostentatiously involved the senate: the primary audience, like that of the *Dialogue on Political Science*, and to whom *CC. Haec* and *Cordi* are specifically addressed, were members of that order, who might well be actually or passively disaffected. That such legislation, together with the consistory procedures through which proposed legislation was scrutinized, entitles us to regard the Justinianic Empire as a *Rechtstaat* is, however, implausible: law and practice diverged too often; patronage and ‘pull’ probably often counted for more than law; imperial power was ultimately unaccountable. Our earlier examination of the law on the colonate revealed its limitations as an internally consistent and comprehensive code. But Harries is nevertheless right to argue that ‘through the rhetoric of legislation, a moral universe was created, headed by a caring emperor, responsive to problems, but stern with evildoers, in particular with his own servants . . . central to which was the interaction, however contrived, however abusive sometimes in practice, between ruler and ruled’.¹⁵² Indeed we might interpret the whole of

¹⁵⁰ For the legal analysis, Birks and McLeod (1987). A similar hierarchical chain characterizes the law of things (*res*). Ch. 3 n. 114 citing *Institutes* (1.16).

¹⁵¹ See Ch. 7, and Bell (2009), 79–94.

¹⁵² *Rechtstaat*: Honoré (2004). See Ch. 3 for measures against abuses, including by officials, esp. *JN* 8 and 30. But see e.g. *JN* 17, 102, 128 targeting official malfeasance (whether profiteering officials, or abusive *curatores* of imperial estates). Quotation: Harries (1999), 56–9, whose favourable views on the working of, primarily, the 5th-cent. system, endorsed by Honoré

Justinian's legal enterprise as legitimating the governance of the empire in terms of legal authority founded upon justice, with lawyers as the 'priests' of this great imperial enterprise—with the emperor, naturally, as the high priest.

The Church

A third pillar of the regime, in terms of both their actual political power and of ideology, was the *Church and its bishops*. The preface to *Novel 6* provides a succinct statement of the symbiosis of faith and policy at the core of the ideology of the Justinianic regime:

The greatest gifts which God in his heavenly grace has bestowed on mankind are the Priesthood and the Emperor. The first serves divine matters; the latter presides over and takes care of human affairs. Both proceed from the same origin and order human life.

This manifesto is far wider than just regulating Church affairs. We have, of course, already noted the political salience of the Church and its higher clergy—a salience enhanced by, and not to be separated (except conceptually) from, their 'charismatic' authority. This goes far, though not the whole way, in explaining why Justinian worked so hard throughout his reign for Church unity.¹⁵³ We have observed their utility to the emperor in providing strategically placed local allies in the governance of cities and provincial assemblies, as well as against more potentially recalcitrant religious groups—the *stasiotai* of the Church, such as monks and holy men. Not the least of Ps.-Dionysius' conceptual services to emperor and the Church hierarchy was to put these in their place: close to the doors of the sanctuary, but firmly and permanently on the outside.¹⁵⁴

But Justinian further extended, in the interests of *both* parties, this already substantial episcopal power by completing their integration into the administrative fabric of the empire, not just in *Novel 6*, which defines the mutually supportive relationship of Church and state in both practical and ideological terms, including the leading role of the emperor throughout, but also in other legislation.¹⁵⁵ From the greater bishops' standpoint, apart from its secular

(2004), apply even more to the 6th cent., given J.'s intense efforts to promote his legislative efforts.

¹⁵³ More generally, Liebeschuetz (2001b), ch. 4, esp. pp. 145–55. Also P. R. L. Brown (1992), chs. 3 and 4; (2002), ch. 2. Now, above all, Rapp (2005a), including (ch. 1) a model which integrates, in her language, the 'spiritual', 'ascetic', and 'pragmatic' authority of bishops.

¹⁵⁴ Louth (1989), 54–5. For John of Scythopolis' comments on the continuing troublesomeness of monks, Lamoreaux and Rorem (1998).

¹⁵⁵ Building on the work of predecessors since Constantine, further accretions or consolidations of episcopal administrative and judicial authority under Justinian include: *CJ* 1.4.22 (prisoners' welfare); *CJ* 1.4.21 (complaints by creditors); *CJ* 1.4.26 (civic financial audit); *CJ* 10.27.3 (securing corn supplies); *CJ* 1.4.18 (distribution of supplies to army); *CJ* 1.5.5 and 1.4.19

advantages, this partnership underwrote their 'pull' at court—not least in doctrinal disputes—while the importance of the emperor in determining the winners reciprocally enhanced his position in relation to the churches.¹⁵⁶ It also generated lavish funding for ecclesiastical building and charitable works, thereby further enhancing their own power, status, and influence in their communities. (Northern Ireland offers another parallel: I recall a former Northern Ireland Secretary of State, Tom King, joking at dinner that, every time he met Father O'So-and-so, it 'cost him'. This priest served in strongly Nationalist (and Catholic) West Belfast, where the Church was in competition with the IRA, our foe as well, for hearts and minds, and in need of funds for community projects of various kinds.)

From the emperor's standpoint, when traditional civic political structures had weakened, the bishops' influence over the 'constituency of the poor' and their role in the appointment of civic functionaries, including the *defensores civitatis*—with the latter's special and enhanced role in protecting the lower orders¹⁵⁷—gave the emperor a further tool for influencing urban life in an acceptable manner. Justinian was also able to use them as a counterweight to provincial governors, as well as to impose on them responsibilities for various charitable and good works, which both ameliorated social distress and the consequent likelihood of political unrest while possibly, by such charity, also legitimizing inequalities within the social hierarchy.

Against this background, the removal of bishops from tax collection and related activities *strengthened* their position: they were distanced from the concomitant 'moral contamination' of such activity;¹⁵⁸ they were less likely to suffer—unlike officials—from conflicts between their own interests and those of the fisc.¹⁵⁹ This further increased their value to the emperor; we suggested earlier the political advantages to the throne of seeking to have onside the Miaphysite churches of the East. A Church united was a greater imperial asset than one disunited. But so long as Miaphysite bishops were fighting for the *whole* Church, and even after the schism—provided they remained committed

(selection of *defensores*); *JN* 8.9 (holding governors to account); *JN* 8.8 (complaints over tax collection); *JN* 128 (financial oversight of cities); *JN* 86 (appellate functions over governors). *JEd.* 1 (bishops to report on bad and good gubernatorial performance, and of *defensores*)—see n. 127.

¹⁵⁶ Lim (1995, 1999).

¹⁵⁷ *JN* 15.

¹⁵⁸ *JN* 123.3. *CJ* 1.3.38 (Anastasius?) had already stopped their exacting various offerings 'like a tax' under pain of excommunication. J.'s legislation also seeks to enable monks to concentrate on their primary task of praying for the empire.

¹⁵⁹ Nothing in the legislation prevented them from behaving like *potentes* on their own account. Proc. condemns the unfair treatment acquisitive clergy received (*SH.* 13.4), although this needs setting against the evidence accumulated by Kaplan (1992), 174, for ecclesiastical financial problems and for ecclesiastics themselves being victims of notables (*JN* 55). For 'moral contamination', *CJ* 1.3.52 and *JN* 123. See Ch. 3 subsection 'Relations of production in the countryside'.

to the dominant ideology of empire and supported (or did not reject) the emperor—we should not overestimate the obstacle this doctrinal dispute represented to this marriage of interests. After all, in Justinian's reign, religious dissidence seems to have produced comparatively little political disturbance, especially outside Egypt. But it does strengthen the argument advanced in Chapter 4 for why Justinian should have continued to press for reconciliation with the Miaphysites *throughout* his reign, beyond—but entirely compatible with—a desire for church unity on theological grounds.

This is because, through maximizing religious uniformity, the emperor could share in, even direct, the charismatic authority of the *entire* Church—again to the advantage of both parties. One should also see the increased secular responsibilities of bishops as a *quid pro quo* for the doctrinal and liturgical pretensions of the emperor. We cannot overlook the way the bonds uniting Church and emperor on doctrinal matters were strained over the next century. But that does not mean failing to note the increasing sacralization of the monarchy from the later reign of Justinian onwards, noted by Averil Cameron and developed by Meier—whether in terms of court ceremonial, religious coronation ceremonies, urban processions, or the partnership of emperor and patriarch. This was not just as a 'cultural' phenomenon, nor as a response to an (arguably) gloomier psychological climate. It was also a part of this deepening marriage of interests, and an integral stage in the development of the post-classical, imperial 'ideological state apparatus'.¹⁶⁰

Weber understood the difficulty of institutionalizing a charismatic authority that arises from the magnetism and authority of an inspired leader, whether religious or secular.¹⁶¹ Yet the churches had succeeded in institutionalizing the charisma of their founder through, for example, the doctrine of apostolic succession, a universally accepted scriptural canon, and councils and synods at all levels.¹⁶² Justinian was neither the first, nor the last, Roman emperor to seek to envelop himself in a sacral nimbus;¹⁶³ the persistence of the title *semper Augustus* tells its own story, as does the increasing ceremonial surrounding the emperor (and his wife) so resented by Procopius.¹⁶⁴ But the

¹⁶⁰ Averil Cameron (1978, 1979); Meier (2003); MacCormack (1981); Althusser (2001), 85–6, for 'ideological state apparatus'.

¹⁶¹ Weber (1978a), i. 246.

¹⁶² For how this was done, Chadwick (2001); Lim (1995).

¹⁶³ How emperors sought to legitimize their rule in both traditional and charismatic terms: Ando (2000), *passim*. Dagron (2003) for later periods, with Averil Cameron (1978, 1979) and Meier (2003).

¹⁶⁴ *SH* 30 ff. On ceremonial, MacCormack (1981), *passim*; for the significance of the imperial triumph and *adventus*: McCormick (1986), although Averil Cameron (1979) notes that a Christianized *adventus* following victory in Italy had replaced the traditional Roman triumph (as held in 532). Elsner (1995), 177–84, sees the emperor in San Vitale less as a particular emperor (and his consort) than as a timeless illustration of the charismatic nature of the imperial office. For (later) court ritual, Averil Cameron (1987), 106–36.

change in the way in which this charisma was imparted to emperors was not 'merely' symbolic: it had political resonances. My argument—supported by the mosaics in San Vitale—is not that Justinian was unique; rather he combined in reality, if not in theological theory, the charisma of a Pagan Roman emperor with that of the Church and its Founder, of whom he was the earthly imitation.

Thus, in his apparent demotion from being a 'god amongst us' (*praesens deus*)¹⁶⁵ to a 'mere' man, albeit with a special relationship to God, the emperor remained a 'singularity' of immense numinous, that is *charismatic*, power. It would be wrong, therefore, to stress his downgrading, if such it was. Corippus wrote of Justin II in Eusebian terms that could have been equally applied to Justinian:

Christ gave power to do all things to the rulers of the earth.

He is omnipotent; the emperor is the likeness of the Omnipotent.¹⁶⁶

Averil Cameron saw these lines as the climax of Book 2, the ultimate expression in the poem of the emperor as the likeness of Christ (*imago Christi*).¹⁶⁷ Yet despite the repeated references to the exemplary imperial virtue of *pietas* that precede this accolade, the accolade itself is in terms of the emperor's (and Christ's) *power*. The power relationship of both emperors and the heavenly ruler was, moreover, represented in similar terms visually: Justin II's throne was eventually placed in the palace under a portrait of Christ; in San Vitale, Justinian and his court were similarly placed under the central Christ figure on his globe. Nevertheless, there are changes in symbolism which are significant. For, as represented in San Vitale (along with his sinful but penitent wife), Justinian now became a mediator bearing gifts to the Supreme Ruler, Christ, himself a 'God-Man', as Roman emperors once were claimed to be. In his new role, however, the emperor had placed himself symbolically at the head of humanity, not, like former 'divine' emperors, ontologically separate from them. He had become the leader of that new constituency of the faithful, including the poor—the great majority of the empire—that Christian bishops had worked so hard to create and mobilize—even if the later history of the empire would show the susceptibility of emperors to exclusion from the liturgy, or attempts to confine them to a purely secular role.¹⁶⁸ The emperor was not doing so now in isolation, but in collaboration with another hierarchical elite, the Church, whose position and privileges he carefully recognized not only in the liturgy—where he accepted a secondary role, although superior

¹⁶⁵ Horace, *Odes* 3.5, ll. 2–4, of Augustus.

¹⁶⁶ Corippus, *In Praise of Justin II* 2.427–8.

¹⁶⁷ Corippus, *In Praise of Justin II* 2.427–8, Averil Cameron's n. *ad loc.*

¹⁶⁸ See also Elsner's brilliant treatment (1995, ch. 5) of some of these themes; also P. R. L. Brown (2002).

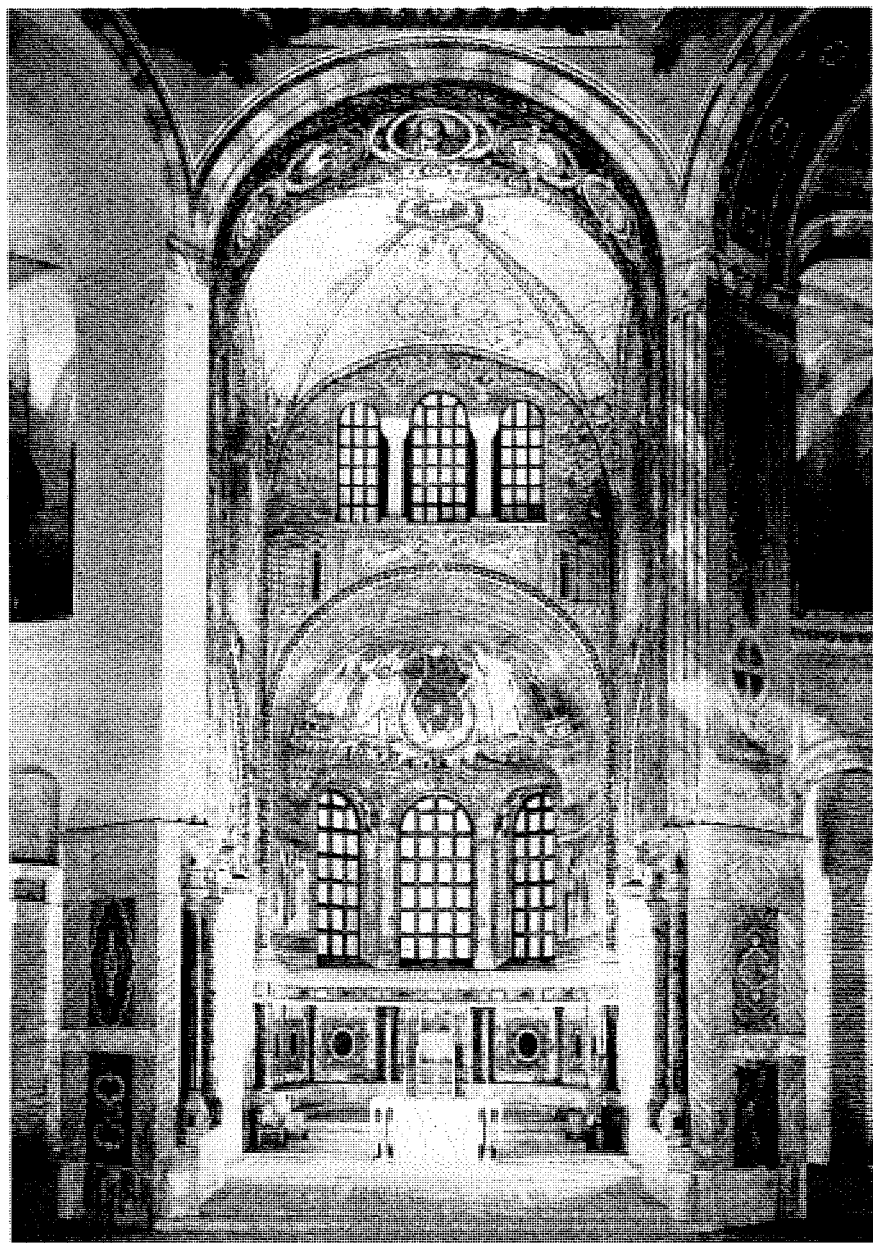
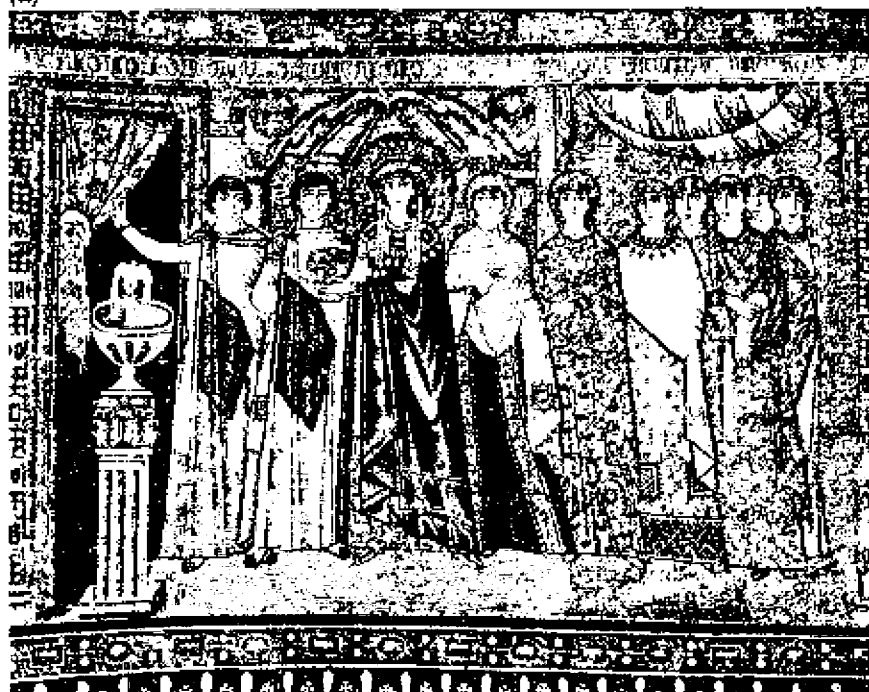


Fig. 6.4 The sanctuary of the church of San Vitale, Ravenna, mid-sixth century (photo: Scala, London).

(a)



(b)



Fig. 6.5 (a-b) The Processions of Justinian and Theodora, with retinues, detail from the Sanctuary, S. Vitale, mid sixth century, Ravenna (photo: Scala, London).

to all other laymen¹⁶⁹—but also in his legislation. This is true above all of *Novel 6*, where we noted the symbiosis and solidarity of emperor and Church, as it is also in the mosaics in Ravenna shown in Figs. 6.4 and 6.5 and poetically in Paul the Silentiary's *Description of Hagia Sophia*.

One example shows the benefits of this ideological harmony of Church and emperor. Whatever the details of the crisis of 588 which we encountered earlier,¹⁷⁰ the emperor Tiberius II was threatened at the start of his reign by a 'legitimation crisis' comparable to the Nika Riots: most of the senate were allegedly compromised; the emperor feared, according to John of Ephesus, that he would be ousted by one of his leading men (or *principes*) and the entire senate annihilated.¹⁷¹ The emperor's response was to follow Chalcedonian popular sentiment in the capital and savagely punish the alleged conspirators against him. The response of the controversial patriarch of Antioch, Gregory, on his triumphant return to his home city, was to contribute to a new hippodrome; this was undoubtedly to solicit popular support in the city for himself (and by extension, neo-Chalcedonians)—including from the factions with whom he had earlier been at odds.¹⁷² Later, he helped suppress a mutiny on the Eastern front.¹⁷³ We also recall how a theologically dissident predecessor, Severus, had reminded a subordinate of the Church's duty to help maintain public order.¹⁷⁴ Thus could issues of legitimation (in terms of religious and popular approval) intermesh with the alliance of Church and emperor to the advantage of both—including the survival of the regime in the capital and beyond. And we can now also begin to see how Justinian sought to build, consolidate, and enhance the legitimate authority necessary to his success (and survival).

Fighting to establish legitimacy

Introduction

It is reassuring to find both a modern social theorist treating a 'legitimacy crisis' as the fundamental threat to contemporary Western regimes (should they fail to deliver continuing economic prosperity), and a modern ancient historian seeing, in the cultivation of legitimacy (and loyalty), reasons for the earlier empire's survival against the odds.¹⁷⁵ For that was Justinian's problem:

¹⁶⁹ Ch. 7. ¹⁷⁰ Ch. 5.

¹⁷¹ John of Ephesus, *EH* 5.15.

¹⁷² John of Ephesus, *EH* 5.17.

¹⁷³ Evagrius, *EH* 6.12–14.

¹⁷⁴ Severus, *SL* 1.9.46.

¹⁷⁵ Habermas (1976), on whom Giddens (1985); Ando (2000) demonstrates the causal links between the elements in his title: *Imperial Ideology and Provincial Loyalty*.

when crowds in the Hippodrome could shout, as during the Nika Riots, 'Ass, you are forsworn,' then, even if others were more supportive, his legitimacy—and his mandate to rule—was at risk.¹⁷⁶ We have seen that people of all conditions then, as now, had much to complain about.

Legitimacy is no new concept for historians of Justinian. M. Maas and Meier, for example, have rightly emphasized its significance.¹⁷⁷ *Legitimation* and cognates may not feature in the latter's index. But his stress on the growing 'sacralization' of Justinian's monarchy to retain wider public confidence in a regime faced with allegedly mounting *Katastrophen*, like Maas's emphasis on Justinian's repeated (ideological) justification of innovatory legislation, implicitly employs it. Moreover, by using the concepts of 'ideology' and 'legitimation' more explicitly and systematically, we can build on their work. Thus, Maas may not explore in detail how legitimacy was embedded in the socio-economic fabric, but he rightly saw 'legitimacy' as a key analytic concept.¹⁷⁸ More recently, he has detected in the 'Age of Justinian' a movement away from the Roman past to a 'Byzantine' future. This emerges as a process of cultural change inspired by the emperor's conception of his divine mandate.¹⁷⁹ Hence he sees the emperor responding, after his inauguration, in terms of ostentatiously securing God's blessing for his reign and of expressing longer-term ambitions of 'imperial renewal' (*renovatio imperii*). Thereafter, he regards the later 'anti-deviant' policy initiatives of 527, 532, 542, and 562 onwards primarily as religio-political responses to various crises flowing from his sacral conception of the imperial office. All plausible—but not, however, the whole story: we cannot write off the enduring *Romanitas* of the empire which survived, in however attenuated a form, until 1453; it remained *very* powerful in the sixth century. Neither can we ignore the additional acute, and centrally important, internal and external pressures, whether economic, social, or military, nor the related—and gloomy—'eschatological climate', highlighted by Meier, to move in the direction he and later emperors did.

The latter contrasts the 'happy years' (*laeta saecula*) of the reign up to c.540 with later disasters which put the regime on the defensive. This led to a progressive loss of innovation and earlier self-confidence—and with it an increased need, in effect, to legitimize the regime.¹⁸⁰ One's only reservation here is why one should think the early sixth century was 'happier' than the later, except that apocalyptic prophesies of the end of the world in 500 had not been fulfilled nor had the plague yet struck. Meier himself lists thirty-seven *Katastrophen* for the period 500–30, in which we can emphasize the famines

¹⁷⁶ *Chron. Paschale* 532.

¹⁷⁷ M. Maas (1986, 1992, and 2005b); Meier (2003).

¹⁷⁸ M. Maas (1986; and 1992, 41—where 'legitimation' is cited).

¹⁷⁹ Maas (2005b), 3–28. See also Bell (2009).

¹⁸⁰ Meier (2003).

around Edessa chronicled in detail by Ps.-Joshua, the disorders under Justin in the capital noted by Procopius, and the Nika Riots.¹⁸¹ This reminder that the later Roman world was a frightening and dangerous place is salutary. But we cannot explain imperial policy exclusively as a response to it.

For Maas, the emperor saw the dichotomy between Pagans and 'Orthodox' Christians in sharper terms than did the Constantinopolitan and provincial elites generally. The effect of some of his policies was, on this view, one of polarization. Nevertheless, in the antiquarianism characterizing much of the surviving non-religious literature of the period, he did see common ground between Christians and others, even while treating *reverentia antiquitatis*, to which Justinian himself laid claim, as primarily a Pagan trait.¹⁸² He has also offered a compelling reading of the preambles to Justinian's *Novels* of the 530s, which justify administrative reform, both by setting that legislation in an antiquarian *Roman* historical context, and also repeatedly championing his new legislation, not as innovation but, in *Christian* terms, as a necessary response to a changing context.¹⁸³ Justinian, therefore, has it every which way: defending his initiatives, as well as the U-turns in policies in the 540s, by the need to respond once again to changed circumstances, as a Roman, a Christian, and in terms to which even a Pagan should not object.¹⁸⁴ To these justifications, one could add the emperor's defence of his fiscal policies in terms of their wider public benefits.¹⁸⁵

Our model can build further on such analyses. Given both Justinian's conception of his office¹⁸⁶ and the conservatism and attacks on his policies and their implementation which litter our sources, it is necessary to be clear that an important ingredient in his policies, and their presentation above all, was not simply religious zeal or a disinterested commitment to 'administrative reform'. It also reflected, in parallel with the acute need to resolve pressing administrative and security problems across the empire,¹⁸⁷ an attempt to build a supportive constituency and to conciliate important sections of elite (and wider) opinion, even though many would remain hostile. One example, in itself trivial, though not in its wider implications, would be his patronizing

¹⁸¹ Meier (2003), Anhang.

¹⁸² 'Reverence for antiquity'. Maas (1992), esp. ch. 6, *C. Tanta* 10. This is surely right: one of the merits of antiquity was the absence of Christianity. One may speculate how far, say, Procopius' and John the Lydian's hostility to 'innovation' carried this subtext—which could not be publicly avowed.

¹⁸³ Maas (1986).

¹⁸⁴ Maas (1986): *CJ* 11.17.218, *JN* 13, 28, 49, 69, 73, 74 for justifications of innovation. Evagrius, in the speech attributed to Gregory (*EH* 6.12), also argues in terms of *Roman* virtues and *Roman* history to quell a mutiny. Note also Justinian's attempt to legitimize his legal initiatives by claiming the origins of Roman law in that of Athens and Sparta (*Inst* 1.2).

¹⁸⁵ e.g. *JN* 149: see Ch. 3.

¹⁸⁶ e.g. from the prefaces to the *Code* (see Sect. 4), or *JN* 6.

¹⁸⁷ Ch. 3 for details.

John the Lydian (from whom he needed a Latin panegyric) as the latter lovingly recalls. John, no doubt like other recipients of imperial flattery, and long-serving office holders, seems to have repaid the compliment by failing to hold the emperor responsible for what he regarded as subsequent misrule.¹⁸⁸

We can go some way to 'periodizing' imperial policy. Unfortunately, we often do not have the evidence to illuminate the details of contingent change. Our only detailed narrative source is Procopius, and his work is a war zone, albeit one we cannot entirely refuse to enter. Hence my approach here, although loosely chronological, concentrates on relatively invariant structures of power in the sixth century.

Promoting legitimacy: 527–532

The initiatives of the earlier years we can best understand as those of a new emperor who, because suspect to some on account of how he had consolidated power under his plebeian uncle, sought to offset the 'legitimacy deficit' we have identified by policies commending themselves to as wide a range as possible of influential audiences. (That many were also intended to be pleasing to God, and appropriately rewarded, was a bonus.) The earthly audiences included ecclesiastics, who shared, or might be induced to share, his churchmanship throughout the empire (and in Rome also, from whom Constantinople had been in schism until the accession of Justin I and whose continued support was one of the foundations of the new regime).¹⁸⁹ Examples of such measures included curbing the excesses of the Blues, once their adherence had served his purpose with his installation as emperor, castrating homosexuals (the only two whose names we know were both bishops, of whom one apparently got off with mere torture),¹⁹⁰ and imposing new restrictions on Jews. He also demonstrated his credentials as an orthodox emperor by a drive against Pagans and heretics—while easing up on Miaphysites before making renewed overtures to them.¹⁹¹ The publication of the first edition of the *Code* in 529, portraying the emperor as the fount of justice under God, and responsible for an achievement unmatched in history, was an integral part of this strategy.

As for the persecution of Pagans, this was not primarily or only a simple 'purification of the state', in Maas's terms, on religious grounds. It was a means

¹⁸⁸ *De Mag.* 0.00.

¹⁸⁹ *CJ* 1.1.4 advertises papal support.

¹⁹⁰ Homosexuals: *SH* 11.34–6; *Mal.* 436. The prominence of bishops and *Mal.*'s language suggests a politically opportunistic demonstration of imperial moral fervour in response to popular accusations. They will also have reminded bishops that, for all their growing status and power, they were not above the law—or the emperor. Factions: *Chron. Paschale* 617. Cf. Theophanes, 243 for Justin II's similar message to the factions. This generated 'fear'.

¹⁹¹ Jews: *CJ* 1.5; cf. *JN* 146. 'Heretics' generally: *CJ* 1.5. Miaphysites: *Ch.* 4.3.

of eliminating actual or potential opposition, both in the capital and elsewhere.¹⁹² This conclusion, that it was *both*, seems almost certain, given not only the substantial evidence for the survival, often covert, of 'Hellenism' adduced in Chapter 5, but also since some of the known targets were highly placed individuals.¹⁹³ Moreover, at least one of the accused in this early period, Asclepiodotus the eparch, committed suicide—which suggests he had something to conceal; we have already found reasons for seeing Phocas, a target at this period also, as someone suspect on both religious and political grounds.¹⁹⁴ Arguments that the charges of Paganism were no more than a 'big bogey', or labels to be bandied about like accusations of Trotskyism under Stalin, or simply manifested distaste for a cultural milieu to which the emperor and his intimates did not belong, are at best inadequate.¹⁹⁵

The heretics then targeted did not, however, specifically include Miaphysites.¹⁹⁶ They could safely approve, therefore, the emperor's zeal against Pagans and 'real' heretics. It may have encouraged hopes of reconciliation—but perhaps also reflection on the distressing fate of those who went too far in opposing the emperor. The persecution was, therefore, 'ecumenical'—more likely to further than hinder the emperor's objective of religious (and political) unity. In short, these were (coercive) measures designed to legitimize the emperor's rule in terms of his subjects' expectations of an Orthodox Christian emperor—plus the more mundane benefits of removing some who might be Pagan and/or politically disaffected.¹⁹⁷

After 532

Post-Nika, the contradictions in seeking legitimacy become clearer. Some initiatives for legitimizing imperial rule may have been partly counterproductive. Two examples: first, measures against highly placed Pagans and 'fellow travellers' of the late 520s may well have *widened* the rifts, as Maas suggested, between Justinian and important sections of the senatorial elite that re-emerged during the Nika Riots. We may perhaps see therefore in the subsequent *Novel* 62, prescribing senatorial consultation in legal cases, an attempt to bind the senate more tightly to the emperor.

¹⁹² Ch. 5.

¹⁹³ Ch. 5 for extent of Paganism generally. Cf 1.11.10; for epigraphic evidence of (later) activity outside Constantinople: *I. Sardis* 19; also *Mal.* 448; *SH* 11.32–2.

¹⁹⁴ The latter, because he was acceptable to precisely those who had called for the dismissal of John, Tribonian and others during the Nika Riots.

¹⁹⁵ Allen (1981), 229–30; Maas (1992), 73. See Ch. 5.3.

¹⁹⁶ For Justinian's relaxed approach to Miaphysites in the earlier part of his reign: Ch. 4.3. Miaphysites are not singled out in legislation until 537 (*JN* 42), following Pope Agapetus' visit to Constantinople.

¹⁹⁷ Zeno's *Henoticon*, see Ch. 4 for the mundane benefits of ecclesiastical harmony.

Second, there is the effort and expense which the emperor devoted to ending his war with Persia on favourable terms. She had always been the 'foe of choice', the only civilized great power with which Rome dealt; victories, in terms of validating the emperor's rule, were correspondingly important.¹⁹⁸ Justinian clearly shared this traditional perspective—and understood the propaganda value of victories there: his achievements feature several times, in magniloquent language, in the prefaces to the various parts of the *Corpus* (and are echoed even in 563 by Paul the Silentiary).¹⁹⁹ However, both this victory, and still more his later triumphs in Africa, Sicily, and, more painfully, in Italy, cost money. The fiscal measures needed to support the Persian War (and possibly preparations for the Western campaigns and the building of Hagia Sophia) may have been partly responsible for the flight of those aggrieved peasants to the capital, whose presence John the Lydian saw as the underlying cause of the Nika Riots. But they were to a degree inevitable: military victory was vital to the 'traditional' element in the legitimization of an emperor.²⁰⁰ And Justinian was perhaps never in greater need of legitimizing his rule than after the catastrophe of the Nika Riots, to which we may see the invasion of Africa in 533 as an imaginative and brilliantly successful response.

These pressures did not end in 532, given the costs of continuing wars and the building programmes. They were not eased by a contracting and fluctuating tax base. Hence the problems in the post-Nika period, when the disaster of the riots was followed by a major earthquake in 533, itself a mark of divine displeasure;²⁰¹ the anti-Chalcedonian chanting in the Forum; and the hasty publication of the Theopaschite edict. After surmounting, with difficulty and at an enormous cost, a crisis that had nearly destroyed the regime and alienated significant elements of both upper-class and popular support, the government had no choice but to work even harder at establishing its legitimacy.

There were several elements in this approach: in 532 and later in the decade, we see the commitment to law and—now probably even more necessary—artfully promoted administrative and provincial reform, including the restoration or imposition of public order,²⁰² intensified efforts to achieve Christian

¹⁹⁸ Millar (1982) for Roman ideology towards Persia up to 387. There seem no later fundamental changes, although the presence of Christians across the border complicated the relationship.

¹⁹⁹ Paul, *Description of HS*, *passim*. Bell (2009). See section 4 here.

²⁰⁰ See subsection 'Ideals (to be seen) to live up to', and Fig. 6.1.

²⁰¹ *Chron. Paschale* 533; Mal. 478.

²⁰² e.g. *JN* 8 controls on office buying, *Edicts* 2 and 12; *JN* 15: *defensor civitatis* revamped; *JN* 86 enhanced appellate role of bishops, incl. over governors, cf. *JEd.* 1; *JN* 80 & 13: improvements in administration of the capital, including tighter controls on immigration, beggars, and law and order more generally.

unity, and, as we have just noted, military glory—combined with increasing reliance on bishops as allies of the regime. But it brought a correspondingly greater political downside for the rest of the reign. This was not confined to the capital: we find in the political economy of the sixth century what S. E. Finer, writing of early modern Europe, called a malign ‘extraction-coercion’ cycle, which Tacitus conceptualized in antiquity.²⁰³ In this, wars, building, and charity required ever more intense fiscal exploitation involving more state personnel, which required in turn even more intense fiscal exploitation—and accordingly proportionately more intense and expensive ‘legitimation policies’ to justify such exactions.

540s onwards

As the century progressed, the extraction of revenue was inhibited by a contraction of the tax base owing to Persian invasions and the plague—itself a further manifestation of divine displeasure, to which Justinian’s *Novel* 77, targeting homosexuals (and blasphemers) as responsible for ‘famine, earthquakes and plague’, was probably a response.²⁰⁴ The circle became increasingly vicious. Despite the reforms and safeguards introduced, revenues were vigorously extracted. Their burden, and the resentments to which they gave rise, is evidenced by the belated tax remissions of Justin II and after, when the interests of the emperors, the senatorial aristocracy, and the provincial land-owning elite were in harmony such as they had not fully been since Anastasius.²⁰⁵ In the short and medium term, however, the aristocratic opposition was outflanked. But the mutinies, conspiracies, and renewed factional violence in the capital and elsewhere, noted by Malalas and Paul the Silentiary,²⁰⁶ combined with the repeated military threats and disappointments of the later years of the reign—even unpopular economies²⁰⁷—finally caused the magic to wear off. Unsurprisingly, in 562, a further purge of ‘Hellenes’ was judged prudent.²⁰⁸ Later in the same year, no effort was spared to promote the rededication of Hagia Sophia, whose dome had been rebuilt after its collapse in

For provincial reforms generally, see Ch. 3; for the enhanced role of bishops more generally, see subsection ‘The Church’ and Rapp (2005a).

²⁰³ Finer (1997), i. 15. Tacitus, *Histories* 4.74: ‘one can have neither peace amongst the nations without arms, nor arms without pay, nor pay without taxes’.

²⁰⁴ Following Meier (2003), 592–9, in dating this *Novel* to 545. *JN* 141 (559) returns to this theme. Cf. the ‘logic’ behind Stalinist purges, identifying those allegedly responsible for the failures of the regime.

²⁰⁵ e.g. Justinian: *JN* 130 (safeguards over *coemptio*), *JN* 131 (certain exemptions from special taxes (*diaphorai*)). Justin II: *JN* 148 (566), 163 (575) (general remissions of taxes). For the ‘Seigneurial Reaction’ of the late 6th cent., see, above all, Sarris (2006), esp. ch. 11.

²⁰⁶ Mal. 484; Paul, *Description of HS*, ll. 22–65.

²⁰⁷ Proc. *SH* 6.

²⁰⁸ Mal. 491.

558, following an earlier earthquake, and of which Paul's *Descriptions of Hagia Sophia* and of *the Ambo* are the shining memorials. But the various disasters listed by Malalas, Theophanes, and others for the last years of the reign certainly explain a toxic eschatological outlook, plus widespread hostility to the emperor. They also, partly at least, explain the elderly emperor's retreat into an increasingly remote ascetic figure, his alleged neglect of public affairs,²⁰⁹ and his concentration on ecclesiastical reconciliation of which the Council of 553 was the disappointing outcome.

SECTION 4—IMPERIAL LEGISLATION; CASE STUDIES

Exemplary texts—the prefaces to the *Corpus*

The same approaches to imperial legitimation characterize the *Constitutiones* which comprise the prefaces to the first and second editions of the *Corpus of Civil Law*. These are *C. Haec* (528), *C. Summa* (529), *C. Deo Auctore* (530), *C. Tanta* (533), *C. Omnem* (533), *C. Imperatoriam Maiestatem* (533), and *C. Cordi* (534). The same themes are reprised throughout the reign, including in other 'ideology-rich' prefaces to those *Novels* setting out the emperor's concept of his religious and administrative responsibilities.²¹⁰ They also underscore the inclusive, but still recognizably *Roman*, character of the emperor's ascendancy, of which Christianity was now an integral part.

Pazdernik usefully highlighted the 'legitimizing force' of law, independent of the emperor, in the Roman tradition.²¹¹ He also analysed the legitimizing and, therefore, ideological significance of Justinian's appropriation and make-over of the law as expounded in these prefaces and related *Novels* to make the law *his law*.²¹² His analysis concentrates on ideology, in order to show how Justinian:

- reissued and comprehensively reformed the law 'under the happy designation of Our name';²¹³
- attributed the authority of citations in the *Digest*, the 'temple of Roman justice', not to the jurists but 'as if uttered by Our own inspired mouth';²¹⁴

²⁰⁹ As noted in e.g. Corippus, *In Praise of Justin II* 2.260, who is, however, seeking to compare Justin II favourably with his predecessor.

²¹⁰ e.g. *JN* 1, 6, 8, 105 and many others (e.g. *JN* 24, 25, 27, 29–30) including those examined in Ch. 3.

²¹¹ Pazdernik (2005), esp. pp. 188–95.

²¹² Pazdernik (2005), 198–205 with full refs.

²¹³ *C. Haec Pref.*, also *C. Cordi Pref.*, *C. Summa* 1.

²¹⁴ *C. Tanta*. 20, *C. Deo Auctore* 6.

- credited to God the work of codification, whose success demonstrated both his collaboration and the ‘glory of Our rule’;²¹⁵
- paved the way for innovation (and activism) in response to inevitable change which required ‘a remedy from the emperor’;²¹⁶
- in later *Novels*, emphasized the legitimating power of tradition, gave legal force to the canons of the four ecumenical councils, and, after ruling out any future gloss or references to earlier legal texts, came within a draftsman’s pen stroke of proclaiming himself ‘living law’ (*nomos empsukhos*). (Only once does he actually use the phrase, in *Novel* 105 (537), though it is implicit in his approach to government more generally.²¹⁷)

Yet we can go even further if we read these *Constitutiones*, first, in relation to other aspects of imperial governance outside the narrowly legal; and, second, if we do so in relation to such other items as the appeals to *novi Iustiniani* and the senate, the structure of the law itself, and the emphasis in the prefaces, not just the *Novels*, on tradition. They show Justinian not *just* appropriating (and reforming) the law, or only motivated, for example, by his personal psychology, reforming energy, or religious beliefs. He was no less concerned with ‘spinning’ his great legal initiative for (legitimizing) political effect—especially after 532, when the regime faced its greatest ‘legitimation crisis’ following the Nika Riots.²¹⁸ Examples make this clearer.

Thus the first two paragraphs of *C. Deo Auctore* (530), commissioning the *Digest*, encapsulate the grounds for the imperial claim to legitimacy, which rested on divine sponsorship (charismatic), and military success and reverence for an ancient tradition of law (traditional and legal). *C. Tanta*, however, promulgating the *Digest* (533), better exemplifies all three themes for a difficult period, post Nika. It opens by reciting the emperor’s titles in the grand manner—legitimizing through tradition, in ways Augustus could have employed and Menander Rhetor later endorsed. These included epithets like *pius* (also the epithet *semper Augustus*), even if their specific content, if not their numinous overtones, had changed with Christianity. The constitution also brings out clearly the grounds for reform in terms of tradition, including *Pagan* tradition, not of the implausible history deployed in, for example, the prefaces to *Novels* 24–30. It does so rather in terms of enabling ‘the ancient laws, already oppressed by age’ to stand out in their pristine splendour.²¹⁹

This is exemplified here and elsewhere by regular citations of the legislation, even of *Pagan* emperors who had persecuted Christians, here referred to by such unchristian titles as *divus* (or ‘divine’) *Marcus* (sc. *Aurelius*), or *divus*

²¹⁵ *C. Deo Auctore* 14.

²¹⁶ *C. Tanta* 18.

²¹⁷ *C. Deo Auctore* 7 and 12. *JN* 18, 109, 131. On *JN* 105, see Pazdernik (2005), 202.

²¹⁸ *CC. Tanta, Omnem, Imperatoriam Maiestatem* (all 533), *C. Cordi* (534).

²¹⁹ *C. Tanta*, pref.

Traianus;²²⁰ by the quotation of Homer in Greek—where the regime, unusually and therefore probably significantly, nods inclusively and sympathetically in the direction of Hellenic culture.²²¹ In the *Institutes*, Justinian similarly refers back to Draco and Solon as great legislators, with further gestures to Homer and Vergil, along with more implausible history, treating Roman law as deriving its character from that of Athens and Sparta!²²² In all this, we see the regime, after acknowledging its indebtedness to *Gaius noster*, ‘our Gaius’,²²³ making its appeal, not this time to charismatic, but to the legitimate, authority of (primarily Roman) *tradition*. In so far as the law and its administration were the rational basis of authority in the empire, this was also an appeal to legitimate authority in terms of *rationality*. This is particularly striking in the *Institutes*, both in its organization and, as we have seen, in its coherent, hierarchical conception of the legal system (more exactly of private law) as a whole.

Note also, again in terms of the traditional authority of an emperor, not only the presentation of the emperor in *C. Tanta* as a great conqueror, but the specific and premature Roman reference to *triumphator* (the actual celebration was not held till 534). This theme remains in the body of the preface (and of the other prefaces to the *Code* and the *Institutes*) and in subsequent image building. Thus Justinian’s achievement of the ‘eternal peace’ with Persia in 532 is celebrated in archaic language (*bella Parthica*, or Parthian Wars)—another appeal to traditional imperial values.²²⁴ But it is linked in *C. Tanta*²²⁵ with more recent victories in Africa, *the* military achievement of the age—a connection reprised in s. 23—in a way that will remain typical of the emperor’s future self-projection. We see it, for instance, in the triumph following Belisarius’ return, including the potent symbolism of the great field commander’s prostration before the emperor in a hippodrome which had been the scene of massacres—by him on Justinian’s orders—barely two years before; or in the celebration of the same victory in the bronze gate to the Imperial Palace, the *Chalke*; and eventually in Justinian’s pall.²²⁶ Immense public importance was given to this achievement and it was repeatedly stressed that it was owing to

²²⁰ The emperors Marcus Aurelius (r. 161–80) and Trajan (Marcus Ulpius Traianus, r. 98–117), e.g. *Digest* 2.12.1 and 2.2.12.9.

²²¹ *C. Omnem* 11. This could, however, signify little more than a Shakespearean tag in a modern political speech; the ‘unliterary’ author of the *On Strategy*, for instance (ch. 3) quotes Homer (Il. 2.24) proverbially, to argue against too much sleep for counsellors!

²²² *JInst.* 1.2.2, 1.2.10.

²²³ *C. Imp. Maiestatem* 6. Gaius, invariably known by this single name, wrote a classic text on Roman jurisprudence, *The Institutes*, to which Justinian’s text of the same name is heavily indebted.

²²⁴ *C. Tanta Pref.*, 23.

²²⁵ cf. *Cf* 1.27.7 and *JN* 1.

²²⁶ *Bldgs* 1.10.16 ff.; Corippus, *In Praise of Justin II* 1.274.

divine support.²²⁷ We see the emphasis on this success, following the Nika Riots with their immediate aftermath of vocal religious dissent and the earthquake, as a strident reassertion of Justinian's divine mandate and a contemporaneous parallel to the call to rally round the emperor and his wife as the leaders of a penitent mankind in the face of God's anger, that we also find in Romanos' *Fires and Earthquakes*.²²⁸ To underscore the message, Romanos stresses the glories of Justinian's building programme, outshining both those of Solomon and Constantine.²²⁹ Many of these themes—and the same examples—are still being reworked towards the reign's end in Procopius' *Buildings* and Paul the Silentiary's *Description of Hagia Sophia*, and of the *Ambo*.²³⁰

Given the scale of the emperor's 'legitimacy crisis' in 532, compounded by the other sources of dissension, religious or political, throughout the empire, one can see his African expedition—notwithstanding its ostensible motives, the restoration of the empire and the liberation of Catholics from 'heretical' rule, and later, the opportunistic reconquest of Italy²³¹—as a high-risk initiative by the emperor personally to re-establish his credibility. (If successful, he would naturally also establish his claim to be a great Roman emperor. By focusing on one set of motives, one should not overlook complementary motives he may have had.) That this expedition was Justinian's personal initiative is the more probable since it was undertaken both against powerful advice, including apparently from John the Cappadocian, *not* to invade, and when the militarily and financially disastrous invasion of Africa by Leo in 468 was still remembered.²³² His personal commitment to this gamble is also shown by Africa's being one of the two areas where new legislation bears the hallmarks of the emperor's personal drafting.²³³

As for *bella Parthica*, the other great military achievement alluded to in *C. Tanta*, the 'Eternal Peace' with Persia, also continued to be exploited to legitimize the regime. The great equestrian statue of the emperor, situated facing east next to Hagia Sophia and shown in Fig. 6.6, was not erected till around 543. Some have found this date odd.²³⁴ True, the war in Italy was then going well; Ravenna fell to the Romans in 540. Yet in 540, Antioch had also

²²⁷ e.g. *C. Tanta*, pref. 12, 1; 19, 23.

²²⁸ Romanos, *Kontakion* 54, str. 18.

²²⁹ And, by implication, of Anicia Juliana also—see Ch. 7.

²³⁰ (550s) *Bldgs.* 1.6: church unity, area of empire doubled; (560s) Paul, *Description of HS*, God as J.'s colleague (*sunergon*) in legislating, building, military victory (ll. 5–15).

²³¹ *Wars* 3.10; Victor Tunnensis, a. 534; *JN* 30.11.2. (536).

²³² *Wars* 3.6.1; *de Mag.* 3.43.

²³³ Honoré (1978), 25.

²³⁴ Mango (1993b) argues that the Budapest drawing of the statue of J. is a plausible likeness of a lost original. The 'native American-style' headgear of the emperor, which does not match *Bldgs.* 1.2.1, he attributes to restoration c.840.

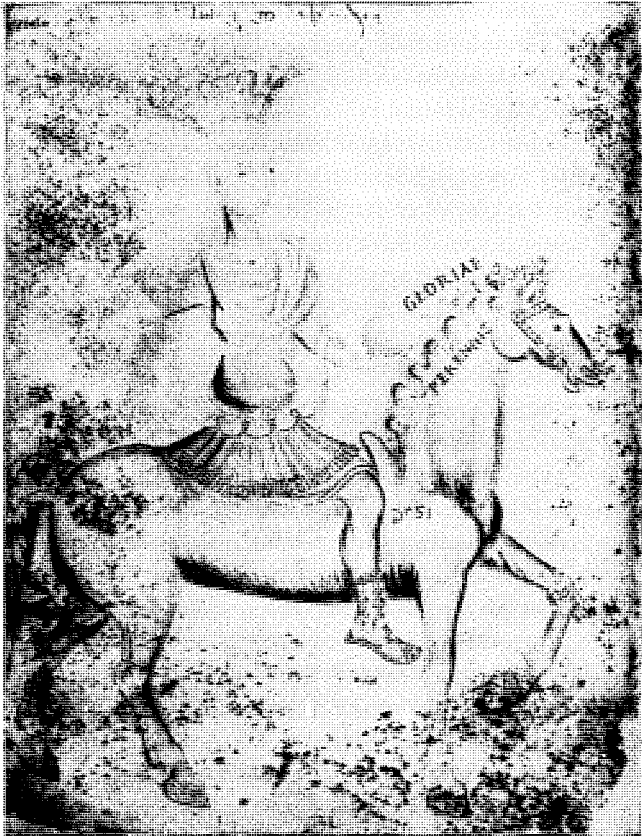


Fig. 6.6 An equestrian statue of Justinian (Cod. Ital. 3, 144v, Eötvös Lorand University Library, Budapest).

fallen to the Persians—Procopius reports how traumatic this was²³⁵—and we must add in the plague of 542, with the contraction of the tax base and other damage which both brought. At such a conjuncture, special gestures—above all, maintaining (or re-establishing?) confidence in a victorious Christian emperor—were more, not less, necessary.²³⁶ An emphasis on the military triumphs of the emperor from the Atlantic to Persia, some by then a little mouldy, others equivocal, was no less necessary in Paul the Silentiary's panegyric of Justinian in his *Description* of Hagia Sophia in 562/3.²³⁷

²³⁵ *Wars* 2.8.

²³⁶ Listed in Jones (1964), 294–6, who regards some (taxation and provincial) reforms as undermining Proc.'s criticisms of the emperor.

²³⁷ For the precise dating, and the political rhetoric of Paul's poem, Bell (2009).

This statue does not only rehearse the theme of military glory in *C. Tanta*. It does implicitly what is done explicitly (and often) in the legislation:²³⁸ making favourable comparisons with earlier emperors, here the last great Christian legislator Theodosius. In *C. Tanta*, Justinian describes his legislative achievement as one which ‘no one before our reign ever hoped for, or even thought to be possible for human effort to accomplish’—a phrase written in the knowledge that the Theodosian legal project remained incomplete.²³⁹ The statue took another route: it appears to have been a reappropriated statue of Theodosius, inscribed *FONS GLORIAE PERENNIS THEODOSII*.²⁴⁰ This recycling was probably no more an economy exercise than were Constantine’s removal and reappropriation of reliefs associated with earlier emperors in order to decorate his arch near the Forum in Rome, thereby appropriating their virtues.²⁴¹ It was also done when, in the light of the disasters we just noted, the regime was again in danger of losing its legitimacy. In the early 540s, however, Justinian is also tasking John of Ephesus with converting Pagans in Anatolia;²⁴² a little later he is again ‘purifying the state’, in the aftermath of the irruption of the plague, by sponsoring further purges of Pagans and homosexuals (again in those circles in which the disaffected elite were more likely to be found). We can reasonably see here another package of measures designed to legitimate the regime in the sight of men—and also to appease the wrathful Christian God. This happened again in 562, probably also in response to military difficulties, civil unrest, and famine, when ‘Hellenes’ were arrested and paraded round the capital, while their books—it would be good to know which—were publicly burnt ‘along with pictures and statues of their loathsome gods’.²⁴³

Finally, *C. Tanta*—and other prefaces and *Novels*—stress, in what one is entitled to see as a self-congratulatory euphemism for legislative novelty, the achievement of ‘investing the ancient laws with new beauty and suitably compiled’ with divine help, since the enterprise seems ‘in no way attainable by human frailty’. This imparts to them also a measure of *charismatic* authority. It goes beyond ‘merely’ proclaiming the emperor as a great warrior and a great lawgiver under, or with, God. Recall, first, that lawgiving was, for

²³⁸ e.g. *C. Tanta* 19; *JN* 30.11; 28.4, 40, epilogue.

²³⁹ A full comparison is even more telling: Julius Caesar (Suetonius, *Divus Iulius* 23) and Pompey (Isidore, *Etymologica* 5.1.5) may both have contemplated it.

²⁴⁰ ‘Source of the eternal glory of Theodosius’. Mal. 482, however, says the statue was a recycled statue of Arcadius.

²⁴¹ Elsner (1998, 187–9; 2004, 304) for such deliberate use of imperial *spolia* to relate Constantine to illustrious imperial predecessors. For a more pragmatic approach: Ward-Perkins (1999). But he conceded such ‘recycling’ can be both ‘ideological’ and ‘pragmatic’.

²⁴² John of Ephesus in Ps.-Dionysius of Tel Mahre, *Chron.* 77.

²⁴³ Mal. 491.

Junillus, of the essence of divine government;²⁴⁴ and, second, that the Christian religion receives an even more central role in public law than simply giving the decrees of Church councils legislative force. The imperial constitution *Cunctos populos* (380), originally targeted at 'heretics', rather than Pagans, is promoted from its position in the *Theodosian Code*²⁴⁵ to open the *Justinian Code*. It majestically proclaims:

It is our will that all the peoples (*cunctos populos*) who are ruled by the administration of our clemency shall practise that religion which the divine Peter the Apostle transmitted to the Romans.²⁴⁶

There could be no clearer manifesto for a Christian emperor: the equation of Christian orthodoxy and citizenship—and, by implication, the exclusion of those who did not share that belief.

Legitimization—a final note

We could have related the emperor's measures more closely to the criteria for a 'good' emperor as set out by, say, Menander Rhetor or in Eusebius' *Life of Constantine*. We might have compared the legitimization problems of the first Roman emperor: Octavian also came to power in the slipstream of a relative, Julius Caesar; faced formidable domestic opposition amongst the elite; and, in response, sought to legitimate his rule through the cultivation of authority that was both *traditional*, in terms of the Roman past and the expansion of the empire under his rule, and *charismatic*, through the assumption of an auspicious name (Augustus—Justinian), as well as through a programme of moral and religious renewal.²⁴⁷ Both arrivistes chose to establish and sustain the legitimacy of their regimes by lavish expenditures and building programmes, and successful wars of conquest carried out on their behalf by others—but whose glory they appropriated (that of Belisarius and Narses by Justinian, of Agrippa by Augustus). That Augustus' ideological frame was Pagan reveals the continuities in the imperial institution from its inception, plus the shared need for emperors of *any* confession to legitimate their power in terms of the relevant hegemonic ideology.²⁴⁸

²⁴⁴ Junillus, *Instituta* 2.5: Q: How is it [sc. particular government] done by God on behalf of angels and human beings? A: Through lawgiving. (tr. Maas).

²⁴⁵ *CTh*.16.1.2. Garnsey and Humfress (2001), 141–2.

²⁴⁶ *CJ* 1.1.

²⁴⁷ We could also have noted the close (and wide-ranging) parallels with the efforts of the Ottoman sultan Süleyman the Magnificent (or Lawgiver) to legitimate his rule in the same city as Justinian: Finkel (2005).

²⁴⁸ *Res gestae divi Augusti*, *passim*. Millar, in Millar and Segal (1984), illuminates the transformation of Rome through the spectacular ostentation of Augustus' building programme.

We could also have made more of such public manifestations of the emperor's *philanthropia* as giving aid in cases of famine, earthquake, drought, or plague, or such traditional means of imperial self-promotion as the coinage and medallions.²⁴⁹ The example of *novi Iustiniani* we have mentioned, but not the further putting-about of the imperial name in, for example, that of his apparent home town, Tsaritsyn Grad, and some twenty-seven elsewhere.²⁵⁰ He was also careful not just to ensure that his good works, and therefore his claim to rule, were widely appreciated, but that the authorities put a favourable 'spin', apparently accepted on occasion by Malalas, on events retailed in a hostile sense by, for instance, Procopius.²⁵¹ We also have an example, surely not unique, of an imperial agent, Narses, bribing the Blues during the Nika Riots.²⁵² There is no reason to believe these were isolated incidents: only the shortage of source materials denies us further examples of the working of an administration acutely sensitive to the kind of criticisms we find in the sources.²⁵³ For them, presentation, including promoting the legitimacy of the regime, was central to successful government, as it remains the world over. And in Justinian's case, his great success in doing so has also allowed the darker side of his rule to be passed over by many—although in its robust, often brutal enforcement of religious orthodoxy against enemies both within and without, his reign has not been so dark for pious Christians of later times. The emperor has not been consigned to hell by posterity, where a hostile near-contemporary, Evagrius, placed him. Instead, he has become a saint in the orthodox tradition,²⁵⁴ and secured immortality in Dante's *Paradiso*, where he sets out both his own achievements—and God's plan for humanity as embodied in the Roman Empire!²⁵⁵

²⁴⁹ e.g. Mal. 253, 258: 2 *centenaria* to Laodicea for repairing earthquake damage; funds to Mysia in similar circumstances. Helping rebuild Antioch after the sack by the Persians, and after earthquakes: *Bldgs.* 2.10.2–25. Cf. Justin's support for Antioch after the great earthquake of 524 (Mal. 424). We should add the emperor's various charitable works, of sufficient importance to his image to merit recording on the altar cloth in HS (Paul, *Description of HS*, ll.755 ff.).

²⁵⁰ More examples of cities and offices called after the emperor are cited in Honoré (1978), 16–17; Stein (1949), vol.2 II.277 cites 27. For *PS*, founding new cities was so routine that the text devotes three chapters to the problems of organizing such new foundations.

²⁵¹ Scott (1985), 99–109.

²⁵² Mal. 476; Theophanes, 185.

²⁵³ e.g. *JN* 8, 149 of taxation, CC. *Haec* 1, *Summa* 2, tributes to Tribonian et al.

²⁵⁴ Feast day: 14 Nov.

²⁵⁵ *Paradiso*, canto 6.

Hagia Sophia: Ideology in Stone—A Case Study

To sustain the faith of the unlettered masses, there must be something that appeals to the eye... But if authority were visibly displayed in magnificent buildings... seemingly built by God himself, the belief implanted by doctrine would be confirmed and strengthened... Such works would add greatly to the glory of the Apostolic See.

Pope Nicholas V (1447–55), on replacing the old St Peter's, Rome¹

But there is the inexpressible. This shows itself. It is the mystical.

Wittgenstein, *Tractatus Logico-Philosophicus*

THE GREAT CHURCH

Hagia Sophia marks a good place to end: its fabric says so much about both systemic and social conflicts in our century, especially those concerned with religious and political ideology (and of rivalries within the power elite). It shows threats the regime was aware of; how it wished to be perceived by friend and foe alike; and what it wanted people, of all classes and conditions, to think—even more, perhaps, to feel—about it.² This is reflected in the unprecedented scale and magnificence of the building;³ the importance the regime attached to it; their corresponding readiness—and ability—to provide resources and skilled direction to complete the project within a remarkable five years;⁴ and its

¹ In Mainstone (1988), 147.

² Mainstone (1988) is basic for the architecture of HS, Harrison (1986) and (1989) for St Polyeuktos.

³ Evagrius (*EH* 4.180–1) was so impressed by the church that he records, but confuses, its dimensions: C. Mango (1986), 80; Mainstone (1988), ch. 7.

⁴ We have no detailed *costings*. One comparison is with the Baths of Caracalla in 'Old' Rome. This may have cost around a whole year's imperial revenue, equivalent to 12 m. *modii* of wheat: Delaine (1997). However, *EHB* (=Laiou 2002), 171–228, suggests a figure three times as great,

embodiment of a particular approach to religion and empire. It stands to be 'read', essentially unchanged since the rebuilding of the dome (558–63), notwithstanding subsequent restoration, redecoration, and tinkering, before conversion into a mosque after 1453 and, in 1935, a museum. 'Reading' how the regime wished the building to be perceived is helped by four contemporary descriptions (or *ekphraseis*): including two panegyrics—one in prose, the other in verse, a later semi-legendary narrative of the church's construction, and a politicized *kontakion* of Romanos celebrating its reconstruction.⁵ We can supplement our knowledge of the liturgy, especially of the emperor's role, from the apse mosaics of the contemporary church of San Vitale in Ravenna.

THE WIDER CONTEXT—'A TALE OF TWO CHURCHES'

Hagia Sophia reveals even more when set in a context that the excavation of St Polyeuktos has clarified. One can identify conflicts of the period, certainly for the earlier parts of the century, in terms of what these two 'opposing' churches signify—particularly because the earlier church displayed verses on its walls, and monograms on its columns, to ensure that you did not overlook the intentions of its donor.⁶ To understand the threat this represented to Justinian, and to which Hagia Sophia was partly a reaction, recall the conjuncture from which St Polyeuktos emerged.

Little remains, however, of the latter church. All one can say with confidence is that it was completed around 528, and the entablature containing the dedicatory poem, of which a fragment is illustrated in Fig. 7.1, was finished after 512.⁷ But whatever the exact dates, it was a remarkable achievement for what was to be the most magnificent church in the city until the new Hagia Sophia.⁸ This timing is significant: by 524, Justin was ageing; the new church

representing a figure of 1 m. *solidi*, assuming 1 *solidus* equals 40 *modii*. All we can say with certainty is that the project was extraordinarily expensive—which shows the value the regime placed on its political impact.

Time taken in building: cf. Chartres c.32 years, St Paul's, London, 35: Mainstone (1988), 185. St Polyeuktos may have been built in only 3 years (524–7?): Harrison (1989), 35. See also n. 7.

⁵ *Ekphraseis: Bldgs.* (c.554 (Averil Cameron); others 559/60) on the original Justinianic church; Paul, *Description of HS, Description of the Ambo* on the rededication of the rebuilt church in 563; *Narratio S. Sophiae*, 7th–9th cent.?; Romanos, *Kontakion* 54. Translations except of Romanos, and with (part) translation of Paul, in C. Mango (1986); of Paul (part), with commentary, Bell (2009), 79–95. Liturgy: Taft (1975, 1977, 1980) and Sect. 3 here. S. Vitale: dedicated c.546/7: Harrison (1989), 141. On Procopius' treatment of HS, also Elsner (2007).

⁶ For the dedicatory poem, GA 1.10. Harrison (1989) for further illustrations of inscribed fragments of the poem: pls. 82–97 and 128. That reproduced here is my own. GA 1.12–17: poems lauding other foundations by Anicia Juliana.

⁷ For dating, Bardill (2004), 11–16; more generally, Bell (2009), 44–5.

⁸ For a ground plan and reconstruction, Harrison (1989), 129 and 126.



Fig. 7.1 Fragment of the entablature of the church of St Polyeuktos, Istanbul, with portion of the dedicatory poem (author's photograph).

was still being built when Justinian's succession remained insecure; and, although Justin died before this monument to the pretensions of Anicia Juliana's family was complete, his successor was not fully established. The efficiency with which the project was completed reflects, as with Hagia Sophia, the importance of the political and ideological points her church intended. Its political salience is the more striking since this grand edifice was built, *without* state resources, by a private individual, Anicia Juliana. She was the direct descendant of five emperors and mother-in-law of the daughter of a sixth, Anastasius.

Her husband, Areobindus (*cos.* 504), moreover, was from a Germanic family of a kind that had played key political and military roles in both East and West during the preceding century. He had served as *comes militum per Orientem*, the commander-in-chief of the Eastern Armies, with sufficient profile to be acclaimed as an alternative to Anastasius, during his last troubled

years.⁹ He prudently fled the capital. But he was another of those seen as potential leaders, or more acceptable to the more rigorously Chalcedonian-inclined whom Anastasius' policies of religious compromise offended. (Vitalian too had drawn strength from his support for Chalcedonian orthodoxy, as later did Justin and Justinian; Anicia Juliana was, we have seen, another correspondent of Pope Hormisdas.) Areobindus, moreover, had that tie through marriage to the imperial family. Finally, Anicia Juliana's son (*cos.* 491) was modestly called after his grandfather, the Western Emperor, Flavius Anicius Olybrius.¹⁰ We must, therefore, see Anicia Juliana not just as a prominent individual, but as a leading member of a class with claims to exalted social position and the highest offices, including the throne, to which the *Dialogue on Political Science* would have less exalted ranks firmly subordinated.¹¹ Members of this group were also leading members of the senatorial constituency both Justin and Justinian had cultivated in their rise;¹² their primary role in the choice of emperor was to be argued for in the same *Dialogue on Political Science*, and duly achieved in what was effectively the (bloodless) aristocratic coup that, with the patriarch's help, secured in 565 the accession of Justin II, in part as a reaction to the unfriendly fiscal policies of his predecessor.¹³

More striking is how Anicia Juliana projected her status, wealth, and aspirations for her family. Her dedicatory poem—lines 1–41 were inside, the remainder on five panels outside the church—asserted many of the standard criteria for a good ruler:¹⁴ immortal fame throughout the world for her ostentatious piety and the number of churches she had built (ll. 14–41); all mortals should accordingly preserve her, her son and daughters; and the 'unutterable glory' of her family should survive as long as the sun still shines (ll. 36–41). The outer inscription (ll. 42–50), for any literate passer-by to read, triumphantly proclaims:

What choir is sufficient for the achievements of Juliana
who, after Constantine, embellisher of his Rome,
after the holy golden light of Theodosius,
and after the royal descent from so many forebears,
accomplished a work worthy of her family?

⁹ Mal. 407.

¹⁰ He did not meet his mother's expectations: after a plot against J., he was exiled, his property confiscated. He later returned, but had no sons to maintain his family's pretensions (Mal. 419; *PLRE* ii. 795).

¹¹ *Dialogue* 5.27, 7–15.

¹² See Ch. 6.1.

¹³ Averil Cameron (1996), 250. Sarris (2006), esp. ch. 13, on the fall and rise of the aristocracy.

¹⁴ See Ch. 6.1.

She alone has conquered time
and surpassed the wisdom of the celebrated Solomon.¹⁵

After describing the luxury of the decoration, the key image in the poem—reinforcing the link between the church and Anicia Juliana—is again Constantine, his baptism, and the overcoming of Paganism (ll. 71–2). One need not be politically or sociologically sophisticated to ‘read’ what this church, placed under the patronage of those two greatest of monarchs, encoded. We see its impact, as far away as Gaul, in the anecdote of Gregory of Tours. Here Justinian is reported as failing to persuade Anicia Juliana to devote her wealth not to the ornament of her own church, whose lavishness is stressed, but to other worthwhile public expenditures.¹⁶

Nor are we surprised that Anicia Juliana presents herself as the grandest kind of (Christian) imperial evergetist: we saw her in Chapter 5, on the dedicatory page of a copy of Dioscorides’ herbal, as Wisdom (Sophia), flanked by Magnanimity (Megalopsychia) and Prudence (Phronesis) (see Fig. 5.4). As in the ‘Homerizing’ verse of the dedicatory poem to her church, this is another example of the marriage of traditional (and potentially politically suspect) ‘Hellenic’ and Christian discourse—harnessed to traditional aristocratic ambitions. But, to understand mid-sixth-century social conflict, Anicia Juliana and her ‘monuments’ must be set in context. Her coded messages seem to have been directed, in part, at an emperor whose elevation, however surprising to some, was owing to senatorial support at a time of political and religious confusion. It was prudent to remind Justin (and his successor?) publicly, if obliquely, of those to whom he was indebted.¹⁷

It was doubtless uncomfortable for Justinian to be beholden to a senatorial order whose economic and political interests could conflict with the emperor’s; whose leaders’ claim to authority was better grounded in terms of status and family tradition than Justin’s,¹⁸ which could reflect their relationship with the previous emperor, Anastasius; and who possessed, in Anicia Juliana, someone who, being a woman, posed no direct personal challenge to the emperor, but had nevertheless embodied in stone what could be construed as a latent political challenge to the regime, albeit cast in terms of impeccable

¹⁵ Harrison (1989), 138–9, after comparing the size and decoration of St Polyeuktos with what the Bible and Josephus say about the Jewish Temple, suggests Anicia Juliana intended not just to evoke the latter, but as a prominent aristocrat and a good Christian, at least to match it. The church is, however, now no more than an unimpressive archaeological site in the centre of Istanbul. I originally mistook it for a building site.

¹⁶ Gregory of Tours, *Glory of the Martyrs: Life of Polyeuktos*. Gregory’s further account of a dispute (*History of the Franks* 7.6), in the context of alleged bad faith in the Frankish royal family where St Polyeuktos was cited, may further reflect the impact of the church in the far West. (Polyeuktos was a patron of oath keeping.)

¹⁷ See Sect. 2.

¹⁸ The title of Vasiliev’s (1950) chapter on Justin’s elevation, ‘From Swineherd to Emperor’, says it all.

religious orthodoxy. The plausibility of this interpretation is shown by how, despite Justinian's efforts under Justin to build influence through manipulating the factions and other measures seeking to widen his 'constituency',¹⁹ not only did many senators defect at the time of the Nika Riots, but the family of Anastasius came to the fore in providing alternatives.²⁰ Moreover, after he had suppressed what is perhaps better termed an insurrection than a riot, the emperor judged it prudent to respond in kind to the ideological challenge St Polyeuktos (and Anicia Juliana) had thrown at him.²¹ We have thus returned by another route to our conclusion in Chapter 6 about the vulnerability of the emperor, here from upper-class opposition, fed by both ambition and resentment over extrusion from jobs and fiscal pressures, and, by extension, their friends, allies, clients, and tenants across the empire. How did Hagia Sophia help to overcome this?

1. IDEOLOGY IN STONE: STYLE AND DECORATION

The most striking feature of Hagia Sophia, ideologically speaking, is its immensity. It was the largest church ever built: indeed, amongst the largest of all buildings, after the Pyramids or the Pharos of Alexandria (which Paul the Silentiary compares—unfavourably—with the Great Church²²). It remains extraordinarily impressive, especially from within, where, as Marxists used to say, 'quantity becomes quality': how beyond a certain point, magnitude has a 'hyper-quality' irreducible to size. ('The Angel of the North' is a (smaller) contemporary British example.²³) The very scale constitutes a massive assertion of imperial power, erected—we remember the concentrated effort and expense required for its speedy construction—when, following the catastrophe of the Nika Riots, a major assertion of imperial authority was a political necessity for the regime. Its construction was the 'one act which sums up [*sc.* Justinian's] desire to be recognized as the ideal or archetypal Roman emperor'.²⁴ It was also, given the challenge at more than one level represented by the no less ideological St Polyeuktos, a case of 'Anything you can do, I can

¹⁹ See Chs. 4 and 6.

²⁰ Senators: *Wars* 1.24–5: see Kaldellis (2004), 124. Relatives of Anastasius: what matters in this context is less their (questionable) willingness to usurp Justinian than their undoubted prominence and thus possible alternatives to him.

²¹ The speedy execution of the project suggests some planning at least pre-Nika.

²² Paul, *Description of HS*, ll. 590–3. Macrides and Magdalino (1988).

²³ Metal statue of an angel, designed by Antony Gormley 25 m high with 54 m wingspan, erected in Gateshead, England, in 1998.

²⁴ Wickham (2009), ch. 10, who sets Hagia Sophia in its wider context of late antique/early medieval display, largely through architecture, which stretches from Yeavering in Northumbria to the Great Mosque in Damascus.

do better'²⁵—with the additional safeguard that no one was to erect a church in the capital in future without imperial approval.²⁶

It thus takes its place—with the *Corpus Iuris Civilis* (533), the invasion of Africa (533), or the reforming *Novels* of the 530s—amongst other major assertions of imperial authority, attempting to establish (or re-establish) the legitimacy of the regime and to outmanoeuvre and overawe its critics and opponents (as well as, of course, providing better imperial administration). We should see these initiatives as constituting, in modern political jargon, a 'balanced package' in which the construction of Hagia Sophia—together with the spectacular imperial liturgy celebrated within it—provided the religious (charismatic) element, and at a time when the emperor was promoting 'concordant glorification', religious uniformity under God—and himself. This grandest of *grands projets* not only, one assumes, strengthened the faith by its magnificence, but simultaneously glorified its imperial builder as Nicholas V, quoted in our epigraph, planned for his new St Peter's. But the legal codification and the African expedition also reasserted, in parallel, the traditional Roman virtues of imperial victory and law, while the prefaces to the reforming legislation of the decade enunciate the imperial ideology of history, government, and the emperor's conception of his own office.²⁷ In the *Buildings*, as in the *Corpus*, Justinian features repeatedly as God's colleague; he supplies inspired technical advice to the architects of Hagia Sophia, while his piety is recognized by the propitious discovery of apostolic relics.²⁸ For Paul the Silentiary, strongly influenced by Procopius, and also writing towards the bleak end of the reign when the weaknesses of the empire—and the emperor—were ever more apparent notwithstanding the fragile final victory in Italy, there was a compelling need to portray Hagia Sophia as a metaphor for the glory of the empire. This included that of its capital, and of the God-protected emperor who had built it, and for whose glory under God—religious, military, and in terms of his personal virtue—the 'Great Church' provided the perfect symbol.

Looking closer at its design, shown in the illustrations in Figs. 7.2 and 7.3, makes it easier to understand how Hagia Sophia conveys its 'message'.²⁹ The departure from the traditional basilical pattern is less a novelty than once

²⁵ Irving Berlin, 'Anything you can do' (1946).

²⁶ *Bldgs.* 1.8.4ff. (*JN* 67 envisages private building, however—but only with episcopal permission); imperial 'monopolies' of the consulship (after 541) and legal commentary similarly reinforced imperial exclusiveness.

²⁷ For government, see Ch. 6; for the conception of the imperial office, *JN* 6.

²⁸ e.g. *Bldgs.* 1.1.69–71, 1.4.17–24. Elsner (2007).

²⁹ Photographs fail to do justice to the vast spaces of HS. A Fossati engraving of the building, before his 1849 restoration, does better. Mainstone's drawing reconstructs the church as it was at the time of the restoration commemorated by Paul.

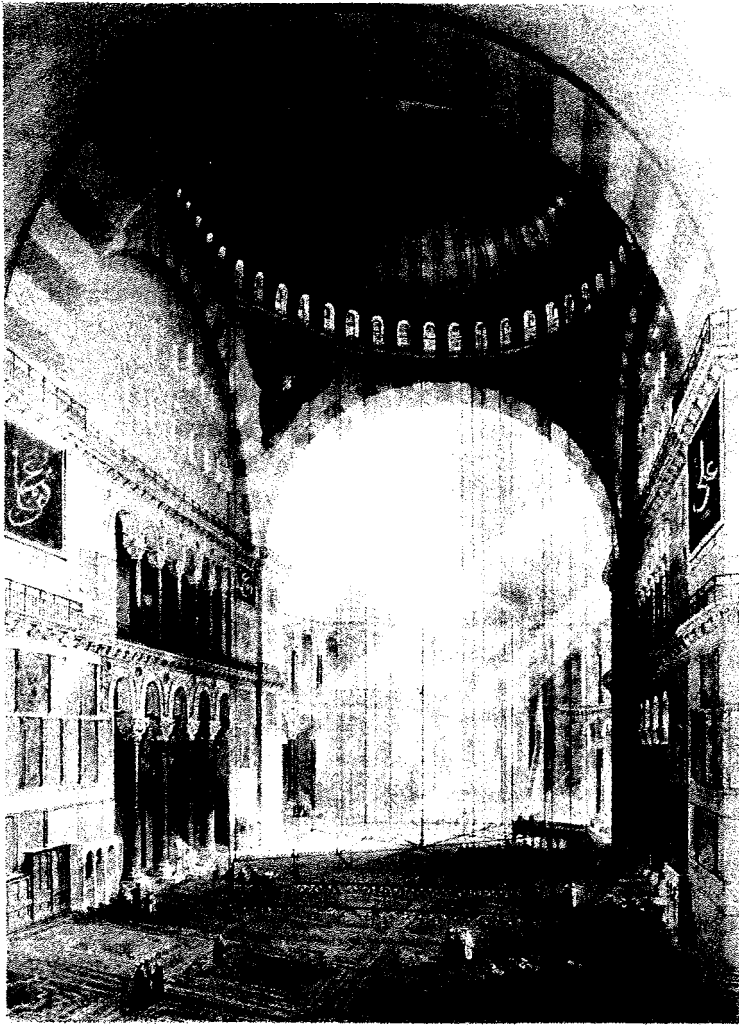


Fig. 7.2 View of the interior of Hagia Sophia (from Fossati 1852, courtesy of the Bodleian Library, Oxford).

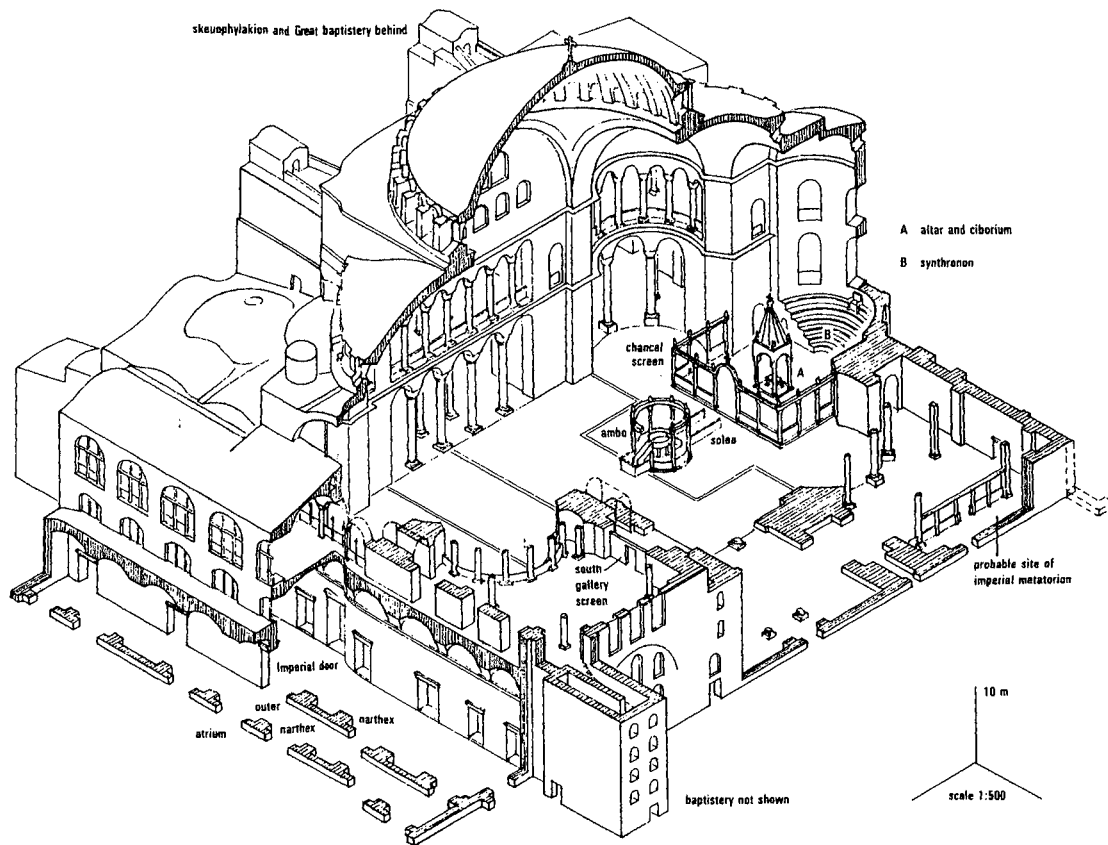


Fig. 7.3 The interior of Hagia Sophia at the time of the second dedication, 562—Reconstruction (from Mainstone 1988; see Fig. 4.2).

thought.³⁰ St Polyeuktos may also have been domed;³¹ there are precedents for domed churches from the period of Zeno in Lycia and Isauria.³² Yet the 'post-basilical' architectural form, wherever found, takes a church further from the cultural and architectural inheritance of the pre-Christian empire in a way that could reinforce 'anti-classicizing' tendencies within the ruling elite, even if Paul the Silentiary could claim it, in a work of high classicism, as an achievement through which 'New Rome' outshone the glories of the 'Old Rome', her Capitol—and by implication, her troublesome bishops.³³ It certainly provided an appropriate stage for the anti-Hellenic, pro-imperial *kontakia* of Romanos, in which Justinian can be praised, as Anicia Juliana had been in her church, for having 'outdone Solomon'.³⁴

Mainstone speculates that the nearby church of Sts Sergius and Bacchus³⁵ was a 'dry run' for concepts and techniques employed in its grander neighbour.³⁶ Whatever the date, the versified dedication there³⁷—emphasizing the charity of the *female* patron, Theodora, even more than her husband's—suggests that this too may be making a point against Anicia Juliana. More interesting, however, are the precedents for 'imperial/palace' churches: the most significant being perhaps the adoption by Constantine of an architectural form associated with imperial palaces and ceremonial in the 'Golden Octagon' at Antioch or, in the West, by the original church of San Lorenzo, also adjacent to the palace, in Milan.³⁸ What was probably no less compelling a precedent is that St Polyeuktos was also a 'palace church' next to the palace of Anicia Juliana. If there was something 'imperial' about such a design, it is unlikely to have escaped Anicia Juliana and her advisers. It is probable, therefore, that Justinian once again felt obliged to copy and outdo Anicia Juliana: possibly in regard to Sts Sergius and Bacchus, next to the Hormisdas Palace; certainly so in the case of Hagia Sophia.

³⁰ HS is longer than it is broad, but that is its (weak) claim to a basilican format.

³¹ Harrison (1986) and (1989), 130, argues for a dome; Mainstone (1988), 160, envisages a square tower. Harrison (2001), 33, only surmises: 'there was perhaps a dome'. Bardill (unpublished paper, Oxford, 2005), citing the absence of (unambiguous) literary references to a dome, the language of Gregory of Tours (*Glory of the Martyrs* 102), or any physical remains, favours a coffered ceiling—for which, however, the massive foundations would be unnecessary.

³² At Alahan, Dağ Pazarı, Meyremlik and Corycus (Harrison (1989), 27; also (2001), 30 ff.): Karabel-Asarcık (Sion monastery), Devekiyusu, Dikmen, and Alacahisar, with illustrations.

³³ See esp. Ch. 5.4. Paul, *Description of HS*, ll. 145–65. Bell (2009), *ad loc.*

³⁴ Romanos, *Kontakia* 33, 54.

³⁵ Mod. Küçük Aya Sofya, a mosque.

³⁶ Speculative dating: SS. Sergius and Bacchus cannot be dated before 527 on epigraphic grounds: it refers to J. and Theodora as ruling. But whether it is earlier than 532 is uncertain. Mainstone (1988), 157, inclines to think so owing to conservative features in design and evidence of improvisation. C. Mango (1972, 1975) argues for a date up to 536, and offers (inconclusive) arguments that SS. Sergius and Bacchus was not a palace church.

³⁷ Ebersolt and Thiers (1979), 24, for the full text.

³⁸ Mainstone (1988), ch. 6, *passim*.

Finally, the decoration. It is puzzling that, despite the expense and skill lavished on its materials and craftsmanship, Hagia Sophia seems to have been—unlike St Polyeuktos, or other surviving churches of the period in Ravenna or Sinai—almost entirely aniconic, except for the furnishings. Its figurative mosaics are of later date; neither Procopius nor Paul the Silentiary mentions any in their extensive descriptions. Moreover, Procopius' account of the visual effect of the church, in which he explains that the eye cannot settle on any detail but is constantly drawn from one feature to the next, is incompatible with the kind of figurative detail to be seen in San Vitale or St Catherine's in Sinai, where complex images inevitably cause the eye to linger.³⁹ The only quasi-figurative motifs are repeated crosses,⁴⁰ the palms in the capitals in the nave, and, lest anyone doubt whose church this was, the monograms of the emperor *and* empress almost hidden in them.⁴¹ Cormack suspects there was a theoretical reason for this omission, but merely suggests saving money.⁴² But the domes and semi-domes were covered in gold mosaic; there is no hint in the sources of economizing—quite the opposite.⁴³ Other explanations include the need for speedy completion;⁴⁴ or, in the interests of church unity, a reluctance to offend those who found religious images offensive; some may have, although the designers of San Vitale or St Catherine's suffered no such inhibitions.⁴⁵ None is wholly satisfactory—though we should not too easily forget, by focusing exclusively on the architecture, that there *was* figurative art in the sixth-century church: the emperor and his wife on the altar cloth and their monogram on some of the pillars. No one could doubt, therefore, exactly whose church this was, nor be distracted from the performance of the emperor (and patriarch) during the liturgy by pictures or mosaics on the walls.

We must seek answers elsewhere, starting with Procopius' claim that Hagia Sophia is a church of *God* (rather than of any other member of the Trinity, a saint, or even the Theotokos)—a conclusion reinforced by the comments of a later patriarch.⁴⁶ The effect of its (original) beauty and harmony on the

³⁹ *Bldgs.* 1.47.

⁴⁰ Further emphasized in the rebuilt dome: a cross was inserted there also.

⁴¹ Anicia Juliana's monogram was widely incorporated in *her* church also: see slabs in Istanbul and Venice (whither bits of her church were transported after 1204). Harrison (1989), e.g. figs. 100, 104, 105.

⁴² Cormack (2000), 39–40.

⁴³ *Bldgs.* 1.23.

⁴⁴ Cormack (2000), 41, suggests some detailed work is unfinished. Theophanes, *AM* 6051, and *Bldgs.* 1.1.74–8 suggest short cuts were taken in construction. Bardill (2004), 36–7.

⁴⁵ See Hypatius of Ephesus' justification of images to his suffragan, Julian of Atramyntion: fr. and tr. in C. Mango (1986), 116–17. In conversation, Mango has told me that such criticism of images seems unique in this period.

⁴⁶ *Bldgs.* 1.20ff. Germanos, patriarch of Constantinople, 715–30, in Cormack (2000), 37. cf. Romanos, *Kontakion* 54, str. 23.

spectator is brilliantly described by Procopius, who, despite technical detail, admits he cannot describe the effect in words.⁴⁷ Outsiders, like the emissaries of Prince Vladimir of Kiev, who brought Christianity to the Russians, apparently also registered the impact in terms that remind us how the church could also promote imperial prestige abroad:

We knew not whether we were in heaven or on earth. For on earth there is no such splendour or such beauty, and we are at a loss how to describe it. We only know that God dwells there amongst men, and their service is fairer than the ceremonies of other nations. For we cannot forget the beauty.⁴⁸

Writing of this kind may be a standard rhetorical figure or topos; that does not make it false.⁴⁹ Indeed, a topos can illuminate the sensibility (and ideology) of an age: in Edessa, the dome of the reconsecrated church recalls 'the shining stars of the firmament';⁵⁰ the anonymous *kontakion* on the rededication of Hagia Sophia tells that the church 'outstrips in glory even the firmament because of the divine illumination of the sun of truth', climaxing in an ideological plea to 'grant peace through the defeat of heresies and barbarians, and the unity of priests and emperor'. 'Even unbelievers,' their existence for once conceded, 'admit that the one who lives in it is God.'⁵¹ Above all, we have Paul the Silentiary's rhapsodic description of the church's lighting arrangements—the symbol of the divine light 'unfurling for all a serene heaven of joy' as the 'divine torch of your [sc. Justinian's] church' guides ships into harbour from north and south, before concluding with a plea that the emperor live long—and continue to shed light on both East and West.⁵² Hagia Sophia—like the church at Edessa—was a building embodying a specific version of Christianity and of God, while also enhancing the charismatic glory of its builder: one of ineffable majesty, reflecting a sensibility now perhaps more Muslim than Christian, and best captured in the great sixteenth-century mosques of Istanbul, designed by Mimar Sinan, who had demonstrably learnt the lessons of the Great Church.

This view recalls Ps.-Dionysius. It is also expressed in regard to images by Justinian's close theological adviser—he led the imperial team negotiating with the Miaphysites in 532—Hypatius of Ephesus. He argued that 'although we take no pleasure whatever in any sculpture or painting, we permit simple folk

⁴⁷ *Bldgs.* 1.1.47–8.

⁴⁸ *Russian Primary Chronicle*, ed. Cross and Sherbowitz-Wetzor, 111. The *Chron.* itself dates to the early 13th cent.

⁴⁹ Cf. Choricus of Gaza, *Praise of Marcian* 1.27, c.536–48, for similar sentiments on St Sergius at Gaza.

⁵⁰ Tr. in Palmer with Rodley (1988), str. 5.

⁵¹ *Kontakion on the rededication of Hagia Sophia*, ll, str. 6, 18: *Akathistos Hymn*, ed. Trypanis; Palmer with Rodley (1988).

⁵² Paul, *Description of HS*, ll. 806–922, tr. in C. Mango (1986), 89–91. Bell (2009), 94.

to learn such things [sc. the inexpressible and incomprehensible love of God] in an introductory manner by means of sight'. He goes on to justify gorgeous church furniture: 'in as much as some men are guided even by such things towards the intelligible beauty, and from the abundant light of the sanctuaries to the intelligible and immaterial light'.⁵³ Applied to Hagia Sophia, this means that, quite literally, the gaze of the worshipper—irrespective of social class or status—rises from the luxurious and figurative decorations of the ambo and chancel screen and the vestments of the priests—and emperor—up through the elaborate, but essentially non-figurative, decoration of the capitals, to the intelligible but inexpressible heaven above. As Procopius puts it:

The whole ceiling is overlaid with pure gold, which is beautiful as well as ostentatious . . . and whenever one enters the Church to pray, one understands immediately that it has been fashioned not by any human power or skill but by the influence of God. And so the mind is lifted up and exalted, feeling that He cannot be far away but must love to dwell in the place which He has chosen.⁵⁴

In short, the design and decoration of Hagia Sophia express a coherent, influential, contemporary theological outlook: Hagia Sophia is apophatic theology in stone. Recalling the Wittgenstein of our epigraph, the divine nature is inexpressible; it must be *shown*; it is the mystical. If so, then much theological and associated political dispute is either impossible or fades into insignificance compared with the unspeakable mystery of God. It may, therefore, be less than coincidental that the building of the church, with such an irenic absence of imagery, coincided with an outreach to the Miaphysites.

2. POLITICS

As with St Polyeuktos, surviving texts spell out what Hagia Sophia is 'saying'. Our two main sources, both so clearly 'on message', complement each other: Procopius sets Justinian's building projects within the wider framework of his religious, military, and domestic achievements. In drawing attention, however, both to the Nika affair and his clemency following the conspiracy, in 548, of Arsaces and Artabanes,⁵⁵ he cannot avoid, intentionally or not, alluding to the emperor's vulnerability in the late 550s. The *kontakion* that opened the rededication festivities, and which draws attention to a range of problems facing the regime, does so too: it emphasizes the need to defeat barbarians, a

⁵³ In C. Mango (1986), 116–17.

⁵⁴ *Bldgs.* 1.1.54–61. Gregory of Tours, *Glory of the Martyrs* claims St Polyeuktos also had a golden vault.

⁵⁵ *Wars* 7.32.

category which also included Persians as well as the Huns (who almost reached Constantinople in 558/9),⁵⁶ and 'heretics' (those unreconciled Miaphysites again?), while it seeks the unity of priests and emperor, implying that there was still something to be wished for—as indeed there was—after the disappointing Council of Constantinople in 553. Paul, in drawing attention at surprising length to the emperor's clemency following the conspiracy of Marcellus and Sergius (in which Belisarius was disgraced) only a few weeks before the rededication of the partially rebuilt church in 563, also testifies implicitly to the emperor's continuing vulnerability and the dangers of the conflicts swirling around him—which the purges of 562 were intended to offset—and the correspondingly greater need for such a *grand projet* as Hagia Sophia (later its repair) to succeed in terms of the emperor's conception of his rule and empire. These are, according to Paul, to see the emperor as—again—God's collaborator (*sunergon*) in all his activities. Singled out for special mention are 'making laws, founding cities, raising temples, taking up arms (should the need arise)'.⁵⁷ Even his escape from the recent conspiracy was evidence of his confidence in his protector, God; while to rebel against the emperor is, we discover, to rebel again God himself.⁵⁸ We also learn that the late empress, Theodora, in a trope perhaps capitalizing on the rising cult of the Theotokos,⁵⁹ now enjoys 'freedom of speech' (*parrhesia*) on Justinian's behalf with God (l. 62). There follows, in Paul's poem (ll. 81–5), a procession 'from the hearth of the king to the hearth of a King who is the all-greatest . . . on account of whom victory inheres in our master here'—a passage which reflects the bonding of emperor and patriarch that echoes *Novel* 6, promulgated more than thirty years earlier. But a further theme surfaces: a personified Rome is invited to praise the emperor, not this time for his military achievements, but for his church building. This has exceeded the Capitol—

First born Latin Rome, come singing in harmony with fresh-budding Rome,
rejoicing that you see your child surpassing her mother, for this is the delight
of parents!⁶⁰

—a claim with implications not least for imperial self-assertion in regard to the bishop of the older city.

We are invited, therefore, to see through this church, *Justinian's* church, a great *Roman* and *Christian* emperor whose sainted wife mediates for him at

⁵⁶ Mal. 490.

⁵⁷ Paul, *Description of HS*, ll. 6–8. Compare J.'s justification of his (fiscal) policies in *JN* 149, with the *Bldgs.*' focus on his religious, defensive, and urban development works.

⁵⁸ *Bldgs.* l. 31, 1.55–60. *Bldgs.* 1.1.21, also sees the Nika rioters as having taken up arms not only against the emperor but also against God.

⁵⁹ Averil Cameron (1978).

⁶⁰ Paul, *Description of HS*, ll. 145–67. Cf. Corippus, *In Praise of Justin II* 1.288–9 for similar (implicit) subordination of Old to New Rome on Justinian's pall.

the right hand of God. Such themes are at least as significant as the close relationship between patriarch and emperor. All this (ll. 1–135) before we come to the description (or *ekphrasis*) proper. This seems to be reliable: for Agathias, a reader was ‘as if a spectator in person’⁶¹ in a place where, on the altar cloth, Justinian’s good works share space with those of Christ and his mother.⁶² On reaching Paul’s description of the ambo,⁶³ there is more in similar vein about the benefactions of our ‘divine’ and ‘bounteous’ emperor.⁶⁴ Solomon does not feature although, like Constantine and his mother, he had featured in Romanos as a precursor of Justinian’s greater work.⁶⁵

3. LITURGY

But Hagia Sophia was, on the day Paul delivers his poem, a church ‘in which both God and Emperor are honoured’.⁶⁶ It provided a stupendous setting for the liturgy at its most spectacular, and the opportunity for political propaganda, overt and implicit. The former would include the *kontakia* of Romanos, if sung here, where we find a similar majestic abandonment of secular, classical verse forms;⁶⁷ a brutal and explicit repudiation of classical culture (along with ‘heretics’);⁶⁸ and a message of support for the emperor—and condemnation of those who had challenged his rule, most obviously in the Nika Riots portrayed, as in Procopius, as a revolt against God himself, in language stressing the benevolence, or *philanthropia*, of both God and emperor.

Some of these themes, especially the excoriation of ‘Hellenic’ learning, including of both Homer and Plato, are further rehearsed in the *Akathistos Hymn*.⁶⁹ Traditionally dated to the Avar siege of Constantinople in 626, more recent scholarship locates it on theological grounds to the period following the Council of Ephesus in the mid-fifth century.⁷⁰ But, whatever the exact date, it so perfectly complements the anti-philosophical and ‘anti-Hellenic’ message of Romanos and such lesser figures as Leontius, who also mocks

⁶¹ Agathias, 5.9.7–8.

⁶² Following C. Mango (1986), 89, who takes the references to hospitals as referring to those founded by J. Compare Procopius’ similar emphasis on such works in the capital and particularly in Antioch: *Bldgs.* 2.10.1 ff.

⁶³ Platform before the chancel barrier, often found in Eastern churches, which played a central role in the liturgy.

⁶⁴ Paul, *Description of HS, Description of Ambo*, ll. 25 ff., 50 ff., and 289 ff.

⁶⁵ *Kontakion* 54, str. 21, 22.

⁶⁶ Paul, *Description of HS*, Prologue, l. 2. My italics.

⁶⁷ Though not of classical rhetoric: Hunger (1964b).

⁶⁸ Romanos, *Kontakion* 33 (classical culture), 28 (heretics); P. Maas (1906) notes how softly Romanos goes on Miaphysites.

⁶⁹ *Akathistos Hymn*, ll. 384 ff. cf. Romanos, *Kontakion* 33, str. 17.

⁷⁰ Peltomaa (2001), 113–14.

paideia,⁷¹ that it counts as an embodiment of the Christian ideology of the age, and in fierce opposition to that of traditional 'Hellenic' culture. These messages were reinforced by the power of music. The Great Church thus enabled the emperor to propagate an imperial ideology—and reinforce his assertion of charismatic authority which combined secular with religious power and glory, in surroundings calculated to maximize their emotional impact on all present. As in the hippodrome, his audience once again included representatives of all classes and status groups in the empire, with their distinctions temporarily blurred. Politics, in other words, not just as theatre, but as a Wagnerian *Gesamtkunstwerk*.

As to the liturgy itself, most of our literary evidence is later than the sixth century.⁷² It needs supplementing through archaeology or analogy from contemporary (or later) church art, including San Vitale and patens of the Justinianic period. But several points are clear: first, the scale of the church helped transform the liturgy into a more symbolic heavenly drama accompanied by the songs of the cherubim and the angelic hosts. Second, while 'audience participation' might have been restricted, like their vision, by their numbers as well as the size and design of the church, nevertheless the congregation could be active: 'when the crowd surges forward . . . to touch the sacred book with their lips and hands, countless moving waves of people break around'.⁷³ We visualize pilgrims swirling round the Kaaba during the Hajj, the undulations of the factions in the hippodrome, the seething crowds at a papal audience in St Peter's.

But the emperor, during his formal participation in the liturgy, also played an ostentatious part: he processed with the patriarch down the nave, presenting his gift in the chancel—the sole layman allowed to enter—and exchanging the 'kiss of peace' with both the patriarch and senators presented to him. What happened during the so-called 'first entrance' is depicted in the mosaic representation of this part of the liturgy in San Vitale: a procession led by the emperor (or a substitute?). He bore a gift and was accompanied by a hierarchically ordered entourage of civilians and soldiers. Here, we view the emperor (see Fig. 6.6) no longer God, like his Pagan predecessors, but in the flesh, as the supreme mediator between his people and Christ. Jaś Elsner inclines to see Theodora, facing her spouse across the sanctuary, as the ultimate earthly female mediator, a counterpart to the Theotokos. For Paul the Silentiary, she is seen after her death, as standing beside God in a way comparable to her. Earlier, in *Kontakion* 54, Romanos had developed these themes by showing the emperor and his consort together leading mankind in penitence for the sins that have provoked God to 'fires and earthquakes' in the aftermath of the Nika Riots. He then glorifies the emperor's building works

⁷¹ Leontius, *Hom.* 10.19.

⁷² Taft (1975, 1977, 1980–1).

⁷³ Paul, *Description of HS, Description of Ambo*, ll. 248–51.

after emphasizing the *superiority* of the Great Church to those of Solomon, Constantine, and, by implication, Anicia Juliana.

In Hagia Sophia, no visual representations like those in San Vitale were needed—nor, as we have noted, were there large figurative distractions in mosaic or other media from the emperor and his entourage. However, Justinian never visited Ravenna. Hence the need for mosaics, with similar meanings to the Constantinopolitan rituals, substituted for what one could regularly see in the capital, including the harmony of the ‘God-protected emperor’ and patriarch—and, by implication, church—celebrated by Paul the Silentiary (and more prosaically provided for in Justinian’s *Novel* 6). It also enabled all those present—again of every class and station, and whether or not they were familiar with the more exalted and esoteric messages put across by Paul and Procopius—to identify with the imperial regime in its most awesome, cosmic manifestation:⁷⁴ through taking communion, but also, as we saw Paul describing, in the ‘inextinguishable waves of the people’, striving to touch the Gospel on its passage between the ambo and the chancel.⁷⁵ Group emotions and identities are at least as significant in religious as in sporting or theatrical contexts. Their political impact was probably greater in the church, since there they normally tended towards social integration and solidarity rather than group rivalry. Adapting our earlier quotation from Paul Veyne, in Hagia Sophia ‘the people worshipped itself *à la Durkheim*, as they identified themselves with God *and the emperor*’.⁷⁶

PULLING THE ARGUMENT TOGETHER

Hagia Sophia remains awesome as a manifestation of what Justinian strove to establish as the hegemonic ideology of his empire: it is set in the symbolic heart of ‘New Rome’, next to the imperial palace and the hippodrome, where the emperor, also by way of legitimation, presented himself in ritual and splendour before his people.⁷⁷ Considered as ‘sacred theatre’, it is more impressive still. For the performances did at least two things, which the regime had an interest in rendering inseparable in the public mind. First, our emperor could not, unlike Anicia Juliana and her old aristocratic kind, project himself in terms of his ancestry and imperial lineage, or as the embodiment of the traditional upper-class *paideia*. He could do better! He had the resources to

⁷⁴ For the importance of group identification in mediating conflict, see Ch. 4.1.

⁷⁵ See n. 74.

⁷⁶ See Ch. 6, subsection ‘The People (*demos*)’.

⁷⁷ For the interplay of geographical location and civic ceremonies in reinforcing shared values: Haas (1997), 81–90. The point applies beyond Alexandria.

commission and maintain something more impressive than St Polyeuktos. He grasped his opportunity to rebuild his church and exploit contemporary Christian discourse in a way which enabled him—and with the clergy⁷⁸—to re-enact publicly his role as earthly mediator and imitator of God in a manner open to no subject, however grand. Thus, at the social level, he asserted himself above potential rivals for imperial office; systemically, he deployed the resources of contemporary technology, music, literary art, and theology to present the imperial message, including to foreign visitors and diplomats, as persuasively as possible:

Does he not take up arms against God Himself, the man who is not willing for this Emperor to rule, a man who is gentle and kindly and gives benefits in moderation to friends and enemies alike?⁷⁹

The political theatre of Justinian's Constantinople has much in common with the performance art and ceremonials associated with the two greatest European autocrats of the twentieth century; all three had a strong need to assert and establish their charismatic authority in societies where, for differing reasons, this could not be taken for granted. (A non-European example would be the state-promoted cult surrounding the ruling family in North Korea, as demonstrated in the obsequies of the North Korean leader Kim Jong il, and the succession of his son in 2011.) Imperial ceremonial in Constantinople, and the imperial liturgy in Hagia Sophia, in particular, invites comparison with the artful combination of visual display, music, language, and technical ingenuity that the film director Leni Riefenstahl so brilliantly exploited to glorify the Third Reich, while enhancing the charisma of its ruler, near the beginning of his ascendancy. Compare, for instance, her treatment of the Führer's arrival by air, still then a spectacular novelty and a regular motif in government propaganda, as he passed the spires of the cathedral in his descent from heaven to Nuremberg; compare this with the *adventus* (or ceremonial entrance) of Justinian into his capital in 559.⁸⁰ We should have had further analogies should Hitler's projects for rebuilding post-war Berlin have come to fruition, including his plan for a domed 'Hall of the People', the *Volkshalle*, even greater than Hagia Sophia.⁸¹ So it is not enough to say that Hagia Sophia was 'ideology in stone'. It was ideology in flesh, blood—and stone.

⁷⁸ Also the beneficiaries of this glorification of their mediating role, their partnership with the emperor, and the largesse which the imperial ideology brought their way.

⁷⁹ Paul, *Description of HS*, ll. 54–7. Cf. *Bldgs.* 1.1.21: to rebel against the emperor is to rebel against God.

⁸⁰ L. Riefenstahl, *Der Triumph des Willens* (*The Triumph of the Will*) (1935), her film of the 1934 Nuremberg NSDAP Rally. J.'s *adventus* described in detail by Croke in M. Maas (2005a), 60–7.

⁸¹ Spotts (2002): a superb account of e.g. Hitler's plans for reconstructing Berlin as well as his deliberate exploitation of religious (especially Catholic) imagery, ritual, and language to consecrate his rule and the regime. Kelly (2006) has independently noted the analogies between the plans of Justinian and Hitler.

Part IV

Conclusions

Conclusions

I did it my way.

Paul Anka et al., lyrics from 'My Way' (1969)

APPROACHING THE HISTORY OF SOCIAL CONFLICTS IN THE SIXTH CENTURY CE—METHODS

We have now looked at a range of sixth-century social conflicts in the Eastern Roman Empire—in the political economy, in sport, and in religion. We have also considered the empire and how the administration of Justinian I in particular tried to manage and mediate these conflicts, by actions and policies whose ideological and practical elements it is often impossible to separate. I suggested, however, that they anticipate and recall ways later authoritarian regimes, ancient and modern, especially those underpinned by militant religious or political ideologies, have sought to preserve themselves.

We have also seen how a greater, but undogmatic, use of social theory can supplement more traditional methods of doing, here the history of late antiquity. My approach, argued for in Chapters 1 and 2—the former set out the 'prospectus', the latter introduced and explained key concepts and approaches—very broadly reflects that of the sociologist Philip Abrams, even if I am indebted to more social science disciplines than sociology. 'The gap between history and sociology,' he wrote, 'appears to have narrowed dramatically.' For him, 'there [could] be no relation [between history and sociology] because, in terms of their fundamental preconceptions, history and sociology are and always have been the same thing'.¹ The generalizations of both rest on analogies; they are a means to construct interpretative narratives of particular events rather than to arrive at general laws, although this does not prevent our

¹ Abrams (1982), pp. ix–xv.

coming to see similar patterns emerging in different periods and societies.² We will be the losers, Chapter 1 concluded, should we fail to exploit the analytical tools the social sciences now offer us—not least because we shall be less able to make generalizations or draw analogies of wider, including contemporary, relevance from material we have studied.

Happily practitioners now increasingly understand this; even scholarly handbooks recognize weaknesses in traditional approaches.³ But we still must decide which conceptual tools to employ. Here, concepts and approaches drawn from the ‘classical’ social science traditions, deriving from Karl Marx, Max Weber, and Émile Durkheim, have contributed most. But the ‘literary turn’ in historical studies has also helped: it has encouraged the closer reading of ‘texts’ of all kinds in ways familiar to students of literature, rather than treating sources as streams in which the historian pans for ‘facts’.⁴ This approach also highlights the inevitable, if only partial, subjectivity of the historical enterprise in terms both of the perspectives of the creators of texts and of the preconceptions and experience of today’s historian, including one’s own. Yet the recognition of conventions both in our own writing of history and in our sources of which we might not have been previously aware has paradoxically furthered, not frustrated, the search for historical truth.⁵

It was a desire to capture historical phenomena in trans-temporal categories (as well as facilitate comparisons across pre-modern societies more generally) that led to my application of concepts drawn from the ‘classical’ tradition, notably those of ‘class’, ‘status’, and ‘power/domination’.⁶ Later, I introduced related concepts from social psychology, particularly those of ‘social identity’ and ‘group processes’.⁷ Later still, those of ‘ideology’ and ‘legitimacy’, deriving primarily from the classical tradition, were moved up to the front line. Throughout, I analysed aspects of the sixth-century empire not only in order to capture general, ‘systemic’, ‘structural’, or institutional features of the society, but also to allow for explanations in ‘social’ terms: that is, by reference to the initiative and freedom of individual human agents, creatively improvising in a world of ‘social facts’ not always of their own making, but I avoided so far as I could becoming enmeshed in biographical detail.⁸ My concept of ideology was similarly chosen to remove any suggestion of naïve determinism.⁹ In all this, the goal has been consistently to relate

² A theme developed in G. Williams et al. (1998).

³ e.g. *Oxford Handbook to Byzantine Studies* (2008), ch. 1.

⁴ e.g. as urged and demonstrated in Averil Cameron (1989).

⁵ As robustly argued for by e.g. Blackburn (2005).

⁶ See Ch. 2 for the theory; Ch. 3 onwards for its applications.

⁷ See Ch. 4.

⁸ For the distinction between ‘structural’ and ‘social’ variables, see Ch. 2.

⁹ See Ch. 5, for definition; Chs. 6 and 7 for its application, along with ‘legitimacy’, to public policy.

l'histoire événementielle and the cultural 'surfaces' of sixth-century society to its underlying structures of domination, both economic and political; to the conflicts, physical and ideological, which these generated; to the social groups whose interests conflicted; and to the ways in which they were mediated or managed by an imperial regime whose interests transcended those of its subjects.

The *via media* travelled here has, therefore, been to combine more rewarding elements of traditional approaches with a flexible sociological (and social-psychological) approach—working always towards a dynamic model of sixth-century conflicts, set in the context of their wider society. Such modelling has necessarily involved simplification, but not, I hope, *oversimplification*. Although the substantive argument here is, explicitly, not wholly based on traditional source materials, whether archaeological, artistic, or documentary, it nevertheless takes the primary evidence as seriously as any more conventional history.

Finally, I argued for the relevance of my own experience in Northern Ireland (and Ghana) on the grounds that we can *both* broaden contemporary horizons *and* improve our understanding of the past by reflecting on differences and similarities between situations past and present. The justification for such comparisons between men and women in sometimes very different societies, both ancient and modern, was summed up by the philosopher David Hume: human nature had not changed fundamentally over the centuries. Another debt is owed to Thucydides: he too saw the utility of history as a source of instruction for the present as resting on a constant human nature, not withstanding local variations. The merits, limitations, and even the novelty of some of these approaches in ancient history, combined with the range of conflicts addressed, mean that this study has no pretensions to being comprehensive, definitive, and most certainly not non-controversial. But it is meant to encourage, in an open-minded reader, further thought about both historical theory and practice—and social conflict—as well as of the sixth century in the Eastern Mediterranean.

THE MODEL IN OUTLINE

My frame was the sixth-century Eastern Mediterranean political economy. Archaeological evidence is constantly being updated. But on the reading of the evidence here, material as well as literary, this political economy seems to have been less universally prosperous, though with greater economic and social regional variation, and even greater dynamism and connectivity than is often

now argued.¹⁰ Talk of 'prosperity', if modern Western levels are implied, is in any case misleading. Comparisons with a relatively successful developing country, such as Ghana, may be more appropriate. In terms of institutional structures, there had been a definite movement, since the Tetrarchic period in the late third and early fourth centuries, and even earlier, away from the effective autonomy of cities making up the empire to more direct rule by imperial officials. Socially, society was profoundly hierarchical, with matching massive disparities in wealth and with status distinctions (often masking those of class) clearly recognized in law. That said, the whole social structure and its cultural glories depended ultimately on the often wretched labour of the kind of agricultural workers illustrated in the floor mosaics of the Great Palace in Constantinople.¹¹

Within our frame, we addressed *major institutional conflicts* in the political economy in Chapter 3, within the Christian churches and between the (circus and theatre) factions in Chapter 4, and *ideological conflicts* in the remaining chapters.¹² Of these, the most important, whether in structural or systemic terms, was *inter-class conflict*, as defined in Chapter 2, and analysed in Chapter 3. This pervaded all the aspects of social life we examined; it was reflected in the empire's cultural, as well as its economic, life. It often involved actual—though frequently glossed-over—violence in many rural areas of the empire: above all between, in Menander Rhetor's telling contrast, the 'rich' or 'well-off' (*euporoi*) and the 'powerless' (*adunatoi*). This resulted from the overwhelming predominance of agriculture in the political economy, employing in some areas perhaps up to 90 per cent of the population, and the exploitative, often brutal, social relationships between landowner and tax collector on the one hand, and an agricultural workforce of varied, but generally declining, status on the other, at least so far as workers on great estates were concerned. (We noted, for instance, how the status of adscript *coloni*—by no means confined to Egypt, whence the papyrological evidence comes—became progressively closer to that of slaves, while the law was regularly tweaked in the interests of landlords who, of course, included the emperor and the Church as well as great notables.) It also reflected the continuing rise, in numbers and in wealth, of a 'service aristocracy', largely drawn from the 'town councillor' (or 'curial') classes of the empire's cities. Their overall impact was, on balance, centripetal, since these classes looked to the regime for office, and with it, wealth and power.

¹⁰ See Ch. 3.

¹¹ See Fig. 3.1.

¹² A fuller treatment would include other, often brutal conflicts, notably ethnic ones involving Samaritans and Jews; with 'heretical' Christians other than Miaphysites; and such disaffected rural groups as the Scamareis.

These rural conflicts could generate public order problems; they sometimes verged on insurgency. They required substantial reorganization of provincial government: by combining civil and military commands, for example, as well as repeated efforts to combat administrative corruption and fiscal abuse—examples of the injustice seen by Aristotle as at the heart of civil unrest (*stasis*). Such measures did not always succeed. Moreover, owing to *intra*-class conflict at all social levels, such conflicts could be very complex. They included, for example, those between the emperor (and the imperial administration), on the one hand, and other sections of the elite, on the other, whether in the capital or the provinces. This latter category, however, could also include members of the administration (and army) itself acting, as it were, in a private capacity whether against the imperial interest or lesser landlords, or whomever else they could intimidate including small, free landholders. However, the lower classes could also, to a degree, exploit the patronage of notables and even the courts against the tax authorities and rival members of local elites. Relations between cities and the countryside across the whole empire were also often highly strained—here too violence was common—while class tensions in the cities could explode, especially in the aftermath of military defeat.¹³

The situation is more complex still: factional conflict involving the (now-unified chariot and theatrical) factions, and between the churches, especially that between ('orthodox', 'catholic') Chalcedonians and ('heretical') Miaphysites, cut across, and therefore tended to *offset* and even mask, class and status divisions throughout the empire, especially in the cities— notwithstanding sometimes near-catastrophic exceptions in the capital, Alexandria, Antioch, and elsewhere.¹⁴ As perceptive contemporaries like Isidore of Pelusium or Malalas noted, the factional conflicts especially reduced the potential for violent (class) conflict, while both the factions and the churches also provided new empire-wide identities, even at the cost, in the case of strongly held religious identities, of weakening the links between (some) churches and the emperor, thereby frustrating the consistent imperial ambition of uniting the churches under the emperor's leadership. However, both sets of groups tended, on balance, to promote political cohesion at both the civic and imperial levels. The still widespread, although again too frequently discounted, persistence of Paganism (or 'Hellenism'), again at all levels across the empire, created further tensions—as well as great cultural complexity in imaginative literature and the visual arts which can be hard now to interpret. The new Christian elites at any rate were, however, quick to assimilate many Pagan upper-class social and cultural values and cultural practices. Yet for reasons as much political as religious, the regime was committed to the marginalization of actual Pagans (and Greek learning), their exclusion from power, and

¹³ See Ch. 3.

¹⁴ See Ch. 4.

sometimes their actual extirpation.¹⁵ The consequences for traditional Hellenic culture, now a pejorative synonym for 'Pagan', and especially for the traditional 'higher' education or *paideia*, were ruinous in the longer term; the sixth century was, the law and imperial institution apart, effectively the last century of classical antiquity.

As to the *management* and *mediation* of these conflicts, answers have been offered in both *systemic* and *social* terms. The former included the empire-wide socially integrative role of the factions, and the consolidation of class and status hierarchies. This was achieved not least through the increasing dominance of a single hegemonic Christian ideology, under an emperor promoted as the 'Image of God';¹⁶ and, through churches, under the more centralized control of bishops, themselves ever more closely assimilated to imperial magistrates.¹⁷ A new, highly articulate Christian autocracy was consolidated under Justinian, whose moral ground rules Agapetus sets out especially clearly. This provided an alternative and increasingly unifying ideology—a term which we saw extends beyond ideas to social behaviours—to the traditional classical *paideia*. Other 'centripetal' forces involved the ecclesiastical and imperial cultivation of 'the urban poor', again tending to minimize social tensions; a reformed and (relatively) accessible legal system and code of law, albeit markedly hierarchical in character; and, since the reign of Anastasius, a unifying, and generally stable, monetarized economy to which the gold *solidus* was central, and in which imperial service above all gave access to wealth and power, thereby creating a new ruling class.¹⁸ All this helped to form an empire-wide 'community' embracing town and even the dependent countryside—one whose tendency to promote social cohesion was reinforced both by widespread patronage networks capable of spanning the empire, as well as by a degree of social mobility.

In *social* terms,¹⁹ the management of conflict encompassed the often brutal coercion and persecution of deviants, intellectual, sexual, or, above all, religious; energetic imperial policies of administrative reform, intended to promote perceived social justice and cohesion, reduce maladministration and corruption, and, especially, maintain public order; charitable programmes—and effective revenue collection about whose necessity its many contemporary critics were loudly silent. Of the highest importance, however—not least given the potentially ruinous structural tensions, on the one hand, and personal animosities and resentments, on the social level—was the need to *legitimize* imperial authority in terms of traditional and legal, and above all

¹⁵ See Ch. 5.

¹⁶ e.g. *Dialogue* 5.1; Agapetus, ch. 1; Corippus, *In Praise of Justin II* 2.427–8.

¹⁷ See Ch. 6.

¹⁸ See Ch. 3. Banaji (2007) above all for the significance of the gold coinage.

¹⁹ See Ch. 6.

of charismatic, authority. This was recognized at the time by such disparate writers as Agapetus, the anonymous author of *Dialogue on Political Science*, and Justinian in his own legislation. In achieving it, charity and building played a major role (the magnificent rebuilding of the church of Hagia Sophia in the 530s is the paradigm case²⁰). It also involved the development of a 'strategic alliance' between the bishops and the emperor, with the former taking on ever wider administrative responsibilities, including monitoring the performance of governors, while the imperial institution was ever more sacralized. At least as important was advancement of a new 'Justinianic' elite, who were able, more unequivocally loyal to the regime, and increasingly rich, above all from state service, even if increasingly lacking the traditional upper-class—and arguably ideologically suspect—literary education (or *paideia*) of classical antiquity.

The *costs* of preserving the regime and, as a rule, social order and revenue collection were the reverse side of the measures just noted: fiscal oppression, for example, the often savage intolerance of the Christian Church and emperor, and the corresponding accelerated decline, though not total extinction, of 'Hellenism', with its rich cultural associations, within the elite and more widely. But the empire nevertheless survived; in the short term, following the reconquest of North Africa, Italy, and southern Spain, it embraced once again the entire Mediterranean basin, less Gaul, (most of) Spain, and remote Britain.

CONCLUDING REFLECTIONS

It may be worth glossing these conclusions a little. Our methods would have proved their worth if they had only helped us come to see the empire as a 'cat's cradle' of forces: some, agricultural class conflict above all, were powerful and centrifugal; others, notably the conflicts of the churches and the factions, cut across class divisions, and provided new empire-wide identities and social networks as the old city-based ones decayed. They permitted popular feelings and discontents to be expressed and so could prove alternatively disruptive and centripetal (the latter less so in the case of the Miaphysite churches). But it also lets us set out a fuller vision of the sixth century, once we set our model in its context of a pre-industrial, primarily agrarian empire, with correspondingly weak central government authority, relative to that of a large and cohesive modern state.

But we must not exaggerate these weaknesses, given the regime's ability successfully to conclude ambitious bureaucratic, military, and building

²⁰ See Ch. 7.

enterprises, and to raise the necessary revenues, despite technological backwardness and in the face of intense pressures, from both within and without the empire. These included the social strains noted above, all capable of destroying the polity, and were intensified by near-continuous wars, both aggressive and defensive. But they also embraced well-documented environmental difficulties: the earthquakes, locusts, floods, disease, famine—all of especial salience in an agricultural economy ready to see disaster as divine chastisement. Then, from 542 onwards came the plague, whose psychological as well as practical impact, like that of other catastrophes, we cannot underestimate. Repeated invasions from Persia and in the Balkans imposed further strains; they also weakened the tax base. There was also unhelpful meddling from the bishops of Rome, who attached less importance to Constantinople's consistent political and religious priorities, including imperial unity, than to ensuring that their own claims to authority and doctrinal orthodoxy were not undermined.²¹

That the regime survived, in increasingly grim times, faced with diverse and unrelenting pressures from the 540s onwards, reflects the underlying strengths of the post-Tetrarchic state, the toughness and flexibility of the imperial regime under Justinian, its refusal to act, as under Anastasius and later Justin II, primarily as the agent of the upper classes, as well as its now militant Christian ideology. This combined with its ability to continue to harvest taxation, at least under Justinian—even at the cost of unpopularity and dissidence. The aggregate, if highly unequally distributed, relative prosperity of substantial parts of the empire, strengthened by a monetary economy whose ramifications extended beyond its borders, also constituted a powerful resource. This benefited elites, whose influence continued to be mediated through a network of cities and their regional and empire-wide connections, while the trend towards greater estates throughout late antiquity strengthened their power, both collectively and as individuals. Such centrifugal forces were partly offset, however, by the centripetal and substantial dependence of those same elites, in terms of careers and especially access to money (via salaries, fees, and simple extortion), on imperial patronage, as the Palestinian hermit Barsanuphius well understood.²² But this was not always sufficient to prevent them exploiting their local power, official and unofficial, to their own private profit.²³

As to systemic social conflict, our analysis was primarily in terms of a *class* conflict.²⁴ This was not only because, in this society, wealth generally flowed from political power (and normally high status), but because the conflict was

²¹ See Ch. 4.

²² See Ch. 6.

²³ *JEd.* 13 (Egypt) is the classic text for such unofficial peculation by officials.

²⁴ See esp. Ch. 3.

dynamic, and 'cannot be described abstractly or in isolation' unlike social status.²⁵ Thus farmers, of varying legal status, were *exploited*, both in the technical sense defined in Chapter 2 as well as in terms of its everyday meaning, by an upper class comprising the state and its agents, as landowner as well as tax collector; by other independent landowners (who might employ armed retainers); and even, on the basis of legal evidence and Procopius, by clergy.²⁶ Reading the evidence as a whole, it sometimes also seems as if each of these groups was sometimes preying on each other as well as on the peasantry.

This generated a range of responses from farmers: acquiescence, resistance (through protest, as expressed in acclamations, litigation, occasional rioting, even armed resistance), or flight—to a 'better' patron, a city, a monastery, a bandit group. (The last could operate symbiotically with both local notables and 'the powerful' (*potentiores*) and villagers.) Self-improvement—we hear of wealthy peasants and (limited) social mobility in secular and even more in religious society—was a related option and social 'safety valve', which cautions us against seeing class or status barriers as impermeable. The city–countryside relationship was a geographical expression of this basic conflict, sometimes exacerbated by different religious allegiances of town and country.

This does not exhaust the range of 'structural' (or 'systemic') conflicts. They included those between the state on the one hand, with its need to maintain the tax base and revenues as well as wider political authority and cohesion, and provincial landowners on the other, seeking to maximize their own incomes and local power, not least by evading or avoiding taxation and by land acquisition, both legal and criminal. (There were also those conflicts of interest on the part of officials themselves.) Such intra-class conflicts were reflected in the capital, where they were exacerbated by cultural and religious differences between the emperor and certainly elements of the senatorial aristocracy, over office, power, and wealth, whose ramifications again spread throughout the empire. Although post-Nika, these conflicts may have diminished, factional disturbances and conspiracies re-emerge towards the end of the reign (and, later, of the century) when the financial sector seems to have become particularly aggrieved. *Intra*-class conflict is also visible at lower social levels in conflicts between villages—even within villages!²⁷

As for urban conflicts, these seem, throughout late antiquity, not to have been exclusively class-based, not only because city dwellers were themselves, collectively, exploiters of the rural majority, but also because factional and religious conflicts operated in a different dimension—although when the supporters of the main factions came together against the government, most

²⁵ Thompson (1965), 357, quoted in Abrams (1982). See Ch. 1 for the wider analysis.

²⁶ This is not to deny the existence, possibly substantial in some areas, of free peasants, whether independent landowners or tenants.

²⁷ See Ch. 3.

famously during the Nika Riots in 532, the results could be disastrous. But there were profound differences in wealth and status between city dwellers, and a reliable writer like Evagrius notes that the urban lower orders were inclined to revolt whenever they had the opportunity. Indeed, a significant development of late antiquity was the growing recognition, even the 'construction', of the political salience of the 'poor' as a group, since poverty, even destitution, was hardly a novelty of the period. These were not simply the destitute (*ptokhoi*); they also included a much larger group of less well-off individuals (*penetes*) who could be reduced to poverty through any number of causes. Collectively they made up a social category with special interests, often catered for and exploited for its own ends by the Church, though not as a vehicle for radical social change. Conflicts, which Aristotle's theory of social conflict (*stasis*) illuminates, erupted into protests, even major violence, throughout late antiquity. They could also be triggered by environmental disasters of all kinds—frequently exploited by the upper classes able to raise the price of essential foodstuffs often also hoarded to exploit seasonal variations—or monetary revaluation. (Of these, the first could again be interpreted as signs of divine displeasure with the regime.²⁸) Fortunately for the well-off, however, urban conflicts did not always pit the 'rich' against the 'poor': factional conflicts, like those with Miaphysites, brought together members of different classes (and statuses) across the entire empire, even if their leaderships tended to be drawn from urban elites and which Justinian almost certainly manipulated. They did so in ways that, despite the mayhem often caused, tended to moderate, rather than exacerbate, the socio-economic tensions cutting across the empire.

These social conflicts were reflected at the ideological level.²⁹ Our literary sources articulate upper-class griefs, often passionately; actively Christian writers, however, tend to be more sympathetic to 'the poor', although there seems no 'left-wing intellectual' comparable to, say, Salvian or Ps.-Pelagius in the West. As for the continuing religious divide between Pagans and Christians, this again cut through all layers of society, urban and rural, and did not necessarily reinforce class divisions, while many Pagan aristocratic values transferred easily to the Christian upper classes. Nevertheless from the standpoint of a militantly Christian regime, Pagan survival, like Christian disunity, created problems at both the political and ideological levels by further calling into question the loyalty of (significant numbers of?) the traditional elite. This applies also to the conflict between the regime and the Miaphysites. This was rendered more intractable because, in addition to extreme theological subtlety, it involved some of the chief political players of the Mediterranean, including the popes. It also generated passionate group loyalties and identities, often

²⁸ SH 18.36 ff.

²⁹ See Ch. 5.

carefully cultivated by the leaderships on all sides and reinforced by the highly charged performances, analogous to those in hippodromes and theatres, for which sectaries were as willing to die as factional supporters were for their 'colours'.

In such conflicts *language*—whether in the form of doctrinal (or factional) slogans, or even meticulously drafted theological formulae—was often of the essence in building and cementing group identities independently of any deeper meaning. Such, often highly emotionally charged, literalism and the group identities it helped create, frustrated the 'concordant glorification' of God throughout the empire, which was widely seen as highly desirable, if not essential, to imperial prosperity, whether spiritual or political.³⁰ It also at least potentially compromised the support of natural allies of the emperor (especially against recalcitrant provincial notables and officials), within an episcopate who were the emperor's ever more important allies, not least as a counterweight to potentially and actually disaffected members of the secular elite.

Against this background, how did this apparently fragile empire survive, let alone expand, in the sixth century. Here a comparison helps with the Western Empire, which evaporated in the previous century? In addition to the geographical and strategic advantages possessed by Constantine's New Rome over the Old Rome on the Tiber, sixth-century emperors still had at their disposal the strengths of the post-Tetrarchic state. Unlike the West, and despite the temporary loss of richer provinces to Persians and others, invasions and internal conflicts were not to wreak havoc until the seventh century with the economic macrostructure and its associated economic specialization and prosperity, nor with the tax base. Moreover, not least the result of reforms associated with John the Cappadocian—even if some were later modified—an effective government apparatus survived, plus a more effective tax system operated by an empire-wide bureaucracy of men with, at the higher levels, a common culture, albeit one ever less reliant on the traditional *paideia*, and dependent on the emperor. In addition to military and administrative competence, there was a readiness to use coercion to implement policy and collect taxes (though this produced corresponding resentments and resistance, including ideological, and at all social levels). As a result, the state remained viable, albeit with difficulty, but in striking contrast to the old Western Empire. The imperial government could (usually) pay both the civil service and military,³¹ thereby maintaining an effective government machine.

³⁰ See Ch. 5. Zeno, *Henoticon* (Evagrius Scholasticus, *EH* 3.14) for 'concordant glorification'.

³¹ There was some defaulting in military pay, etc.: e.g. *SH* 24.1–29, obliquely confirmed in *JN* 148 (= *JIN* 1). But army discontents do not approach the regime-threatening phenomenon that destroyed the emperor Maurice in 602.

At the economic level, this was reinforced through intense levels of exploitation by the state, the 'private sector', and the Church, who were all prepared and able to use force, through, for example, the army, private militias (*bucellarii*), or monks and 'hospital workers' of the patriarchs of Alexandria, as well as through the administrative and military elites' dominance of the gold coinage to protect and advance their interests. We find extensive criticisms of (some of) these malpractices, on the part of both the clergy and officials doing the financial work of the emperor or John the Cappadocian, in Procopius. Against this grim background, it is unsurprising that sixth-century emperors, especially Justinian, put great effort into cultivating the 'constituency of the poor' in the cities, and, again, promoting their own authority as legitimate in the most flamboyant, charismatic style.

But the system also contained 'safety valves' and additional structural reinforcement beyond those of 'compliance', 'voice', 'flight'—and self-improvement.³² These included the 'spin-off' of the building and military programmes (in terms of work provided and extra markets); the mutual support of Church and state (not entirely achievable, however) not only in terms of exploiting the countervailing power of bishops in relation to local notables and officials, but also in the churches' commitment to charity, thereby reducing causes of discontent amongst the primarily urban poor; and the legal system. This too provided a flexible empire-wide system, focusing ultimately on the emperor, which permitted a degree of peaceful conflict resolution, even for the relatively lowly.

No less important for conflict management and mediation was the way Christian ideology, both in theological and organizational terms, embraced ever wider sections of the population, with some, often quite considerable, adaptations to the previous Pagan dispensation.³³ It could also justify the new social status quo, whether in regarding heaven as the model of earthly hierarchies; or in providing, through an ever-increasing emphasis on religious ceremonials of one kind or another, the 'ontological security' and 'present reassurance' difficult times required and which Paganism once—and, for some, still—offered.

Chapter 6 accordingly analysed the complementary intense official promotion of a legitimizing ideology, given the numerous vulnerabilities of the regime. This focused on an increasingly sacralized emperor, the 'image of God' on earth—a doctrine which was shared by the emperors' friends and critics alike.³⁴ This claim to legitimacy appealed both to Christian doctrine and the Roman past, expressed not only in writings sometimes accessible only to a small elite, but in religious ceremonial, the visual arts, the workings of law,

³² See Ch. 2, section 'Extra Tools'.

³³ See Ch. 5.

³⁴ e.g. by Agapetus (supportive) and the *Dialogue on Political Science* (critical).

and the propaganda coup of the reconquest of Africa, even if it took a protracted and expensive war to win back Italy. (The exploitation of military success continued to play a strikingly important role, in a very traditional Roman manner, in consolidating imperial legitimacy throughout the reign.) All these tended to promote social cohesion and the security of the regime, in binding together town and country dwellers and the various social classes. The legal system was also important, both practically and ideologically, as a projection of the prime political virtue of justice throughout the empire, and for its association with the emperor personally. More generally, the intense promotion of an ideology—for which a Christianized Neoplatonism provided a conceptual underpinning—expressed in religious ritual as well as in political, legal, and philosophical contexts, which stressed hierarchy and harmony, and with the sacralized emperor at the centre and apex, was a potent tool for conflict elimination and, above all, the *legitimation* of the imperial regime.

The effect of such policies, assisted most obviously by developments in the factional scene, the continued evolution of the service aristocracy and the gold-based monetary system that went with it, was to consolidate further a shared Roman social identity. This was empire-wide (therefore integratory), but not correlated with class (or ethnic divisions), which they could obscure or transcend. As for the Miaphysites, so long as their leaders, like Severus, were fighting for the whole church, they too created an identity that transcended civic, regional, or ethnic boundaries and remained open to imperial influence, as the complex relationship with Theodore and other Miaphysite exiles in Constantinople shows. In the end, however, the group bonding combined with the intense group attachment to certain doctrines and formulae, which led the Miaphysites to form their own churches, prevented the reconciliation that had seemed within reach. Meanwhile, new group identities promoting loyalty to the regime were deliberately created: law students under the new dispensation known as 'New Justinians' (*novi Iustiniani*), for instance, or those numerous cities created in the emperor's name—or even a province, Theodorias, in honour of the empress.³⁵ Justinian's Great Church of Hagia Sophia, with the panegyric literature surrounding it, is the visual symbol par excellence which seeks, in addition to its ostensible religious function, to impart transcendental significance to the more mundane policies of the emperor for maintaining and enhancing the glory—and survival—of his regime.³⁶

Whether Christian unity with the Miaphysites in the East could have been achieved in the circumstances of the later sixth century remains moot: group identities, certainly, on the Miaphysite side, became ever stronger as time passed. Successive emperors, Justinian above all, devoted immense efforts to its resolution, for which modern diplomatic negotiation and drafting in

³⁵ Theodorias: Mal. 448.

³⁶ See Ch. 7.

general, and the Northern Ireland Peace Process in particular, provides a helpful analogy.³⁷ The problem was not a creation of that century, and was only resolved, in that it ceased to matter, following the loss of the Near East and Egypt to Islam, where Miaphysites still remain. On the other hand, the construction and often brutal enforcement of an ever more rigorous, and militant, Christian orthodoxy—and the availability of ‘new men’ able to exploit it, with decreasing debts to the old ‘Hellenic’ culture and the traditional elites whose interests it had served—was to hasten the demise of classical Greek culture as a vital intellectual and socio-cultural force, although without destroying the traditional Roman foundations of the state and its governance. In the coming centuries, it thereby accelerated the triumph of a diminished ‘Byzantine’ civilization in a physically reduced and ideologically more uniform empire.³⁸

In the earliest *Novel* of Justin II (and *Novels* 4 and 5 of his successor), we have imperial confirmation of the great resentments and financial strains caused by the policies (and methods) of his predecessor.³⁹ This was especially true of those measures aimed at winning ‘hearts and minds’—and best seen perhaps as responses to ever more intractable problems, which they themselves exacerbated. But the shortage of resources, compounded by politically expedient tax remissions—from which the upper classes seem to have been the chief beneficiaries⁴⁰—left the empire vulnerable in the later sixth, and above all in the seventh, century to the Lombards in the West, to Slavs and others in the Balkans, and to the Persians, and later the Arabs, in the East. But, lest we overestimate these weaknesses, recall that the ‘Empire of the Romans’, as it continued to call itself and as it was called by neighbours such as the Arabs, later the Turks, was to survive the death of Justinian for nearly nine hundred more years until 1453. For some two-thirds of that period, until the Latin capture of Constantinople in 1204, it remained, despite major setbacks, a major power in the Mediterranean. Whether the empire of ‘New Rome’ could have survived so long without jettisoning so much of both its Greek past and cultural diversity is a question for another day.

³⁷ See Ch. 4.

³⁸ Themes developed in C. Mango (1984).

³⁹ *JIN1* (= *JN* 148), *NTibII* (= *JN* 161), 4 and 5 (XI & XII in *Ius Graeco-romanum*).

⁴⁰ Sarris (2006).

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